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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.

RULE 1

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 Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

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 Executive Board Chairperson.

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 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.

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 other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office.

(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	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

(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 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.

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 1:30 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 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.

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.

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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.

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(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 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.

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.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted by an affirmative vote of a majority of the 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.

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 upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

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.

(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 as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(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 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 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 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.

(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 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 voting. 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 to a bill or an amendment to 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. (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 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.

(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.

RULE 6

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
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) 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 place on General File pursuant to Rule 3, Section 19(b).
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.

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.

RULE 7

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. During a 90 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; 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.

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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Amendment to amendment (except appropriation bills)	Simple Majority	6-3
Amendment to bill	25	6-3
Indefinitely postpone	Simple Majority	6-3
Return to committee	25	6-3
SELECT FILE		
Adopt E & R amendment	Simple Majority	6-5
Advance to E & R for engrossing if machine vote requested	25	6-5
Amendment to amendment	25	6-5
Amendment to bill	25	6-5
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FIRST DAY - JANUARY 4, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 1989

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-First Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 4, 1989, and was called to order by President Nichol.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

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	Coordsen, George	Johnson, Rod
Ashford, Brad	Crosby, LaVon	Korshoj, Frank
Baack, Dennis G.	Dierks, Merton L.	Kristensen, Doug
Barrett, William E.	Elmer, W. Owen	Labedz, Bernice
Beck, Sharon	Goodrich, Glenn A.	Lamb, Howard A.
Bernard-Stevens, David F.	Haberman, Rex	Landis, David M.
Beyer, Emil E., Jr.	Hall, Timothy J.	Langford, Lorraine
Byars, Dennis	Hannibal, Gary E.	Lindsay, John C.
Chambers, Ernie	Hartnett, D. Paul	Lynch, Dan
Chizek, Jerry	Hefner, Elroy M.	McFarland, James D.
Conway, Gerald	Johnson, Lowell C.	Moore, Scott

Morrissey, Spencer W.	Schellpeper, Stan	Warner, Jerome
Nelson, Arlene	Schimek, DiAnna R.	Wehrbein, Roger R.
Peterson, Richard	Schmit, Loran	Weihing, John L.
Pirsch, Carol McBride	Scofield, Sandra K.	Wesely, Don
Robak, Jennie	Smith, Jacklyn J.	Withem, Ron
Rogers, Carson H.		

ANNOUNCEMENT

The Chair announced today is Senator Kristensen's birthday.

MOTION - Adopt Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 4, 1989.

The motion prevailed.

MOTION - Temporary Clerk and Sergeant at Arms

Mrs. Labedz moved that we appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Carl Kamprath as temporary Sergeant at Arms.

The motion prevailed.

MOTION - Committee on Credentials

Mr. L. Johnson moved that we proceed to the election of five (5) persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November, 1988.

The motion prevailed.

Mr. Moore moved to nominate the five senior members of the Legislature to serve on this Committee: Messrs. Warner, Chambers, Schmit, Goodrich, and Mrs. Labedz.

The motion prevailed.

EASE

The Legislature was at ease from 10:15 a.m. until 10:42 a.m.

RESIGNATION

November 10, 1988

The Honorable Kay Orr
Governor, State of Nebraska
State Capitol
Lincoln, Ne 68509

RE: RESIGNATION FROM THE NEBRASKA LEGISLATURE

Dear Governor Orr:

The citizens of the 30th Legislative District, State of Nebraska, bestowed upon me one of the greatest challenges and the finest honors that I will probably experience in my lifetime, the privilege of representing them and serving the State of Nebraska.

However, because of changes in my personal life, I must at this time relinquish my position as Nebraska State Senator. It is my desire to terminate my service to the citizens of our state effective December 15, 1988.

Sincerely,
(Signed) Patricia S. Morehead

PSM:j

MESSAGE FROM THE SECRETARY OF STATE

January 4, 1989

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Dennis M. Byars as a Member of the Legislature from the Thirtieth (30th) Legislative District for the unexpired term of Patricia Morehead, resigned.

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

Enclosures

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Dennis M. Byars has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirtieth (30th) Legislative District for the unexpired term of Patricia Morehead, resigned. The term beginning December 19th 1988 shall continue until January 9, 1991 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 fourth day of January in the year of our Lord, one thousand nine hundred and eighty-nine.

(SEAL) Allen J. Beermann, Secretary of State

GUBERNATORIAL APPOINTMENT

Know Ye, that I, KAY A. ORR, on behalf of the State of Nebraska and as Governor, do hereby appoint Dennis M. Byars as a member of the Unicameral Legislature, District Number 30.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on December 16, 1988 and continue until as provided by law provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Kay A. Orr
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Dennis M. Byars, 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. 30 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) Dennis M. Byars

Subscribed in my presence and sworn to before me this 19th day of December, 1988.

(Signed) Allen J. Beermann
Notary Public

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

RESIGNATION

November 17, 1988

The Honorable Kay Orr
State Capitol
Lincoln, Ne 68509

Dear Governor Orr:

This is to announce that I am resigning my seat in the Nebraska Legislature, effective January 3, 1988. Following many months of introspection, I decided that it was time for me to move on.

I have enjoyed our warm relationship and the pleasure in serving with the Legislature. A finer group of individuals cannot be found anywhere else.

As far as I am concerned, I have given to my constituents the best of my judgment and my abilities. I have appreciated their reciprocating through their many letters, phone calls, and heartfelt prayers. In my book, no finer group of constituents exists anywhere else.

My staff is most devoted and energetic. I thank each member for his or her time and services.

I should tell you that I have no intention of dropping my concern for issues, particularly those items that impact the lives of the less fortunate. Without question, I will appear over the years at public hearings and through many letters, phone calls, and personal contacts.

Sincerely,
(Signed) Vard R. Johnson

MESSAGE FROM THE SECRETARY OF STATE

January 4, 1989

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment of Sharon K. Beck as a Member of the Legislature from the Eighth (8th) Legislative District for the unexpired term of Vard Johnson (resigned).

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

Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Sharon K. Beck has been appointed as a Member of the Nebraska Unicameral Legislature from the Eighth (8th) District for the unexpired term of Vard Johnson, resigned. The term beginning January 4, 1989 shall continue until January 9, 1991 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 fourth day of January in the year of our Lord, one thousand nine hundred and eighty-nine.

(SEAL) Allen J. Beermann, Secretary of State

GUBERNATORIAL APPOINTMENT

Know Ye, that I, KAY A. ORR, on behalf of the State of Nebraska and as Governor, do hereby appoint Sharon K. Beck as a Member of the Unicameral Legislature, District Number 8.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 4, 1989 and continue until as provided by law provided you shall satisfactorily perform all the duties imposed by law.

6705 Corby Street, Omaha, NE 68104, work 551-1529, home 558-3301
Replaces Vard Johnson

(Signed) Kay A. Orr
Governor

NOTICE OF CONTEST OF ELECTION

The following correspondence and copies of notice of election contest were received from Mr. Tore Nelson, candidate for the Legislature from the 17th District.

December 20, 1988

Clerk of the Legislature, Patrick J. O'Donnell
State of Nebraska
Capitol Building
Lincoln, Nebraska 68509

Re: Contest of Election
Gerald Conway
17th Legislative District

Greetings:

Pursuant to R.R.S. Section 32-1001.06, I am filing with you the enclosed copy of a notice of contest of election. The written notice was served on Gerald Conway by mailing it, postage prepaid, certified, return receipt requested, on Friday, December 16, 1988, addressed:

Gerald Conway
1115 Lawndale Drive
Wayne, NE. 68787

and by leaving the written notice at the house where Gerald Conway resides, 1115 Lawndale Drive, Wayne, Nebraska at 4:30 p.m. by leaving it in the door when no one answered at the door.

A corrected copy which corrected the date of the deposition from Friday, January 30, to Friday, December 30, was given to Gerald Conway by mailing it, postage prepaid, certified, return receipt requested on Monday, December 19, 1988, addressed:

Gerald Conway
1115 Lawndale Drive
Wayne, NE. 68787

and by leaving a written notice at the house where Gerald Conway resides, 115 Lawndale Drive, Wayne, Nebraska on Monday,

December 19, 1988, at 4:15 p.m. by handing it to Mr. Conway's daughter at that address. When the return receipts are received, they will be forwarded to you.

Please contact me if I can provide additional information or filings.

Yours truly,
(Signed) Tore Nelson
1988 Candidate
17th Legislative District
R R
Emerson, Nebraska 68733

Enc: 2

COMMUNICATION

December 16, 1988

Gerald Conway
1115 Lawndale Drive
Wayne, Ne. 68787

Dear Mr. Conway:

This letter is to advise you that I am contesting your election as a member of the Legislature under Reissue Revised Statutes of Nebraska, 1943, Chapter 32, Article 10.

Pursuant to Section 32-1001.06 thereof, I am, on Friday, December 16, 1988, mailing one copy of this written notice of this contest of election to you, postage prepaid, first class, certified, return receipt requested, to:

Gerald Conway
1115 Lawndale Drive
Wayne, Nebraska 68787

and am hand delivering one copy of this written notice to the house where you reside at:

1115 Lawndale Drive
Wayne, Nebraska

The grounds upon which your election is contested are:

(1) You are a college professor at Wayne State College.
(2) Article II, Sec.1, of the Constitution of the State of Nebraska which states: "The powers of the government of this state are divided into three distinct departments, the legislative,

executive and judicial, and no person or collection of persons being one of the these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted."

(3) Article III, Sec. 9, of the Constitution of the State of Nebraska which states: "No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void.

(4) Article III, Sec 16, of the Constitution of the State of Nebraska which states: "No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term. The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this section."

(5) Article III, Sec. 7, of the Constitution of the State of Nebraska which states, in part: "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses and employees of the Legislature shall receive no compensation other than their salary or per diem."

Also pursuant to Section 32-1001.06, the taking of your deposition and other necessary witnesses who come to my attention shall be taken beginning at 9:00 A.M. on Friday January 30, at the offices of Leland Miner, Esq., 419 Main, Wakefield, Nebraska, or as otherwise may be mutually agreed.

Sincerely,
(Signed) Tore Nelson

COMMUNICATION

December 16, 1988 (Corrected)

Gerald Conway

1115 Lawndale Drive
Wayne, Ne. 68787

Dear Mr. Conway:

This letter is to advise you that I am contesting your election as a member of the Legislature under Reissue Revised Statutes of Nebraska, 1943, Chapter 32, Article 10.

Pursuant to Section 32-1001.06 thereof, I am, on Friday, December 16, 1988, mailing one copy of this written notice of this contest of election to you, postage prepaid, first class, certified, return receipt requested, to:

Gerald Conway
1115 Lawndale Drive
Wayne, Nebraska 68787

and am hand delivering one copy of this written notice to the house where you reside at:

1115 Lawndale Drive
Wayne, Nebraska

The grounds upon which your election is contested are:

(1) You are a college professor at Wayne State College.

(2) Article II, Sec.1, of the Constitution of the State of Nebraska which states: "The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of the these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted."

(3) Article III, Sec. 9, of the Constitution of the State of Nebraska which states: "No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void.

(4) Article III, Sec 16, of the Constitution of the State of Nebraska which states: "No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such

term. The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this section."

(5) Article III, Sec. 7, of the Constitution of the State of Nebraska which states, in part: "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses and employees of the Legislature shall receive no compensation other than their salary or per diem."

Also pursuant to Section 32-1001.06, the taking of your deposition and other necessary witnesses who come to my attention shall be taken beginning at 9:00 A.M. on Friday December 30, at the offices of Leland Miner, Esq., 419 Main, Wakefield, Nebraska, or as otherwise may be mutually agreed.

Sincerely,
(Signed) Tore Nelson

REPORT OF COMMITTEE ON CREDENTIALS

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 Ninety-first Legislature, First Session (Regular), 1989.

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 Ninety-first Legislature, First Session (Regular), 1989.

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

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	Spencer W. Morrissey	November 8, 1988
2	Roger R. Wehrbein	November 4, 1986
3	Emil E. Beyer, Jr.	November 8, 1988
4	Gary Hannibal	November 4, 1986
5	Bernice Koziol Labedz	November 8, 1988
6	Brad Ashford	November 4, 1986
7	Tim Hall	November 8, 1988
8	Sharon K. Beck	*Appt'd. January 4, 1989
9	John C. Lindsay	November 8, 1988
10	Carol McBride Pirsch	November 4, 1986
11	Ernie Chambers	November 8, 1988
12	Chris Abboud	November 4, 1986
13	Daniel C. Lynch	November 8, 1988
14	Ron Withem	November 4, 1986
15	Lowell C. Johnson	November 8, 1988
16	Frank Korshoj	November 4, 1986
17	Gerald Conway	November 8, 1988
18	Stan Schellpeper	November 4, 1986
19	Elroy M. Hefner	November 8, 1988
20	Glenn A. Goodrich	November 4, 1986
21	Richard Peterson	November 8, 1988
22	Jennie Robak	November 8, 1988
23	Loran Schmit	November 8, 1988
24	Scott Moore	November 4, 1986
25	Jerome Warner	November 8, 1988
26	Don Wesely	November 4, 1986
27	DiAnna R. Schimek	November 8, 1988
28	James D. McFarland	November 4, 1986
29	LaVon Crosby	November 8, 1988
30	Dennis M. Byars	**Appt'd. December 16, 1988
31	Jerry Chizek	November 8, 1988
32	George Coordsen	November 4, 1986
33	Jacklyn Smith	November 8, 1988
34	Rod Johnson	November 4, 1986
35	Arlene Nelson	November 8, 1988
36	Lorraine Langford	November 4, 1986
37	Doug Kristensen	November 8, 1988
38	W. Owen Elmer	November 4, 1986
39	William E. Barrett	November 8, 1988
40	Merton L. Dierks	November 4, 1986

41	Carson Rogers	November 8, 1988
42	David Bernard-Stevens	November 8, 1988
43	Howard A. Lamb	November 8, 1988
44	Rex S. Haberman	November 4, 1986
45	D. Paul Hartnett	November 8, 1988
46	David M. Landis	November 4, 1986
47	Dennis Baack	November 8, 1988
48	John L. Weihing	November 4, 1986
49	Sandra K. Scofield	November 8, 1988

*Appt'd. to fill vacancy created by resignation of Vard R. Johnson
**Appt'd. to fill vacancy created by resignation of Patricia S. Morehead

MOTION - Credentials Committee Report

Mr. Warner moved to approve the attached report as certified and presented by the Secretary of State and furthermore, the committee takes notice of statutory section 32-1001.22, RRS. which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided.

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

MOTION - Escort Chief Justice

Mr. Chizek moved that a Committee of five (5) members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Mesdames Pirsch, Labedz, Messrs. Korshoj, Dierks, and L. Johnson to serve on said Committee.

EASE

The Legislature was at ease from 10:48 a.m. until 10:52 a.m.

The Committee escorted Chief Justice William C. Hastings to the rostrum to administer the Oath of Office to the newly elected members.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

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

Dennis Baack
William E. Barrett
Sharon Beck
David Bernard-Stevens
Emil E. Beyer, Jr.
Dennis Byars
Ernie Chambers
Jerry Chizek
Gerald A. Conway
LaVon Crosby
Tim Hall
D. Paul Hartnett
Elroy M. Hefner
Lowell C. Johnson
Doug Kristensen
Bernice Labedz
Howard Lamb
John C. Lindsay
Daniel C. Lynch
Spencer W. Morrissey
Arlene B. Nelson
Richard Peterson
Jennie Robak
Carson Rogers
DiAnna R. Schimek
Loran Schmit
Sandra K. Scofield
Jacklyn Smith
Jerome Warner

Subscribed in my presence and sworn to before me this fourth day of January, 1989.

(Signed) William C. Hastings,
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mrs. Labedz moved that the following officers, recommended by the Executive Board, be approved for this Ninety-First Legislature, First Session:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Sergeant at Arms	Carl E. Kamprath
Chaplain Coordinator	Harland Johnson

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

MOTION - Election of Speaker

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

The motion prevailed.

Mr. Warner nominated Mr. Barrett.

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

The motion prevailed.

Mr. Barrett was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Mr. Weihing moved that a Committee of five (5) members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Lamb, Wesely, Hartnett, Ashford, and Mrs. Nelson to serve on said committee.

EASE

The Legislature was at ease from 11:00 a.m. until 11:05 a.m.

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

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

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

Speaker	William E. Barrett
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Sergeant at Arms	Carl E. Kamprath
Chaplain Coordinator	Harland Johnson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Committee on Committees Chairperson

Mr. R. Johnson moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mr. L. Johnson placed his name in nomination.

Mr. Beyer moved to cease nominations and to cast a unanimous vote for Mr. L. Johnson.

The motion prevailed.

Mr. L. Johnson was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Mr. Goodrich moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, Sec. 2a, to nominate three members to be elected by the Legislative body to serve on the Committee on Committees.

The motion prevailed.

District 1
Beyer
Wesely
Landis

District 2
Chizek
Withem
Lynch

District 3
Conway
Dierks
Peterson

District 4
Scofield
Rogers
Lamb

Mr. Goodrich moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

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

The motion prevailed.

Mr. Chambers nominated Mrs. Labedz.

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

The motion prevailed.

Mrs. Labedz was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

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

The motion prevailed.

Mr. Peterson placed his name in nomination.

Mr. Beyer moved to cease nominations and to cast a unanimous vote for Mr. Peterson.

The motion prevailed.

Mr. Peterson was duly elected Vice Chairperson of Executive Board.

MOTION - Executive Board Members

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

The motion prevailed.

Messrs. Schmit and R. Johnson were nominated from District 1.

Messrs. Ashford and Chambers were nominated from District 2.

Messrs. Baack and Weihing were nominated from District 3.

Mr. Warner moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Committee Chairpersons

Mr. Wehrbein moved to proceed to the election of the Committee Chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7a.

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. Chambers nominated Mr. R. Johnson.

Mr. Chambers moved to cease nominations and to cast a unanimous vote for Mr. R. Johnson.

The motion prevailed.

Mr. R. Johnson was duly elected Chairperson of Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Warner placed his name in nomination.

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

The motion prevailed.

Mr. Warner was duly elected Chairperson of Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Schmit nominated Mr. Conway.

Mr. Landis placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Ms. Scofield, Messrs. Weihing, and L. Johnson as tellers.

Conway	18
Landis	31
	49

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

CHAIRPERSON - Business and Labor

Mr. Abboud placed his name in nomination.

Mr. Schellpeper nominated Mr. Coordsen.

Mrs. Pirsch placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Dierks, Baack, and Mrs. Langford as tellers.

Abboud	12
Coordsen	18
Pirsch	19
	49

The Chair announced that a second ballot would be cast between Mrs. Pirsch and Mr. Coordsen.

Pirsch	22
Coordsen	27
	49

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

CHAIRPERSON - Education

Mr. Withem placed his name in nomination.

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

The motion prevailed.

Mr. Withem was duly elected Chairperson of Education Committee.

CHAIRPERSON - General Affairs

Mrs. Smith placed her name in nomination.

Mr. Schmit nominated Mr. Elmer.

The Chair declared the nominations closed.

The Chair appointed Messrs. Hall, Peterson, and Mrs. Nelson as tellers.

Smith	36
Elmer	12
	48

Mrs. Smith was duly elected Chairperson of General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Chambers nominated Mr. Baack.

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

The motion prevailed.

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

CHAIRPERSON - Health and Human Services

Mr. Warner nominated Mr. Wesely.

Mr. Beyer nominated Mr. Goodrich.

The Chair declared the nominations closed.

The Chair appointed Messrs. Wehrbein, Korshoj, and Chizek as tellers.

Wesely	29
Goodrich	19
	48

Mr. Wesely was duly elected Chairperson of Health and Human Services Committee.

CHAIRPERSON - Judiciary

Mr. Withem nominated Mr. Chizek.

Mr. Withem moved to cease nominations and to cast a unanimous vote for Mr. Chizek.

The motion prevailed.

Mr. Chizek was duly elected Chairperson of Judiciary Committee.

CHAIRPERSON - Natural Resources

Mrs. Robak nominated Mr. Schmit.

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

The motion prevailed.

Mr. Schmit was duly elected Chairperson of Natural Resources Committee.

CHAIRPERSON - Revenue

Mr. Lamb nominated Mr. Hefner.

Mr. Hall placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Abboud, Hartnett, and Schellpeper as tellers.

Hefner	18
Hall	31
	49

Mr. Hall was duly elected Chairperson of Revenue Committee.

CHAIRPERSON - Transportation

Mr. Lynch nominated Mr. Lamb.

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

The motion prevailed.

Mr. Lamb was duly elected Chairperson of Transportation Committee.

CHAIRPERSON - Urban Affairs

Mr. Korshoj nominated Mr. Hartnett.

Mr. Korshoj moved to cease nominations and to cast a unanimous vote for Mr. Hartnett.

The motion prevailed.

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

MOTION - Special and Select Committees

Mr. Wesely moved to proceed to the election of the Chairpersons of the Special and Select Committees.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Chambers nominated Mr. Hannibal.

Mr. Chambers moved to cease nominations and to cast a unanimous vote for Mr. Hannibal.

The motion prevailed.

Mr. Hannibal was duly elected Chairperson of Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mr. Lamb nominated Mr. Lynch.

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

The motion prevailed.

Mr. Lynch was duly elected Chairperson of Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Moore nominated Mr. Lindsay.

Mr. Moore moved to cease nominations and to cast a unanimous vote for Mr. Lindsay.

The motion prevailed.

Mr. Lindsay was duly elected Chairperson of Enrollment and Review Committee.

EASE

The Legislature was at ease from 12:37 p.m. until 12:49 p.m.

MOTION - Advise Governor

Mrs. Smith moved that a Committee of five (5) be appointed to call upon the Governor and advise her that the Legislature is organized and ready for the transaction of business, and to report back to the Legislature with any message she may have.

The motion prevailed.

The Chair appointed Messrs. Byars, Kristensen, Lindsay, Mrs. Crosby, and Ms. Schimek to serve on said Committee.

The Committee escorted Governor Kay A. Orr to the rostrum where she spoke to the members briefly.

EASE

The Legislature was at ease from 12:55 p.m. until 1:00 p.m.

MOTION - Election Returns

Mrs. Nelson moved that a committee of three (3) be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November, 1988.

The motion prevailed.

The Chair appointed Mesdames Robak, Beck, and Mr. Morrissey to serve on said Committee.

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

REPORT FROM THE SECRETARY OF STATE

January 4, 1989

Speaker of the Legislature
Ninety-First Legislature, First Session (Regular) 1989
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 8, 1988 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4,110 R.S. Nebraska 1943, Reissue of 1984 as submitted to me for delivery to the Honorable Speaker of the Legislature.

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

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to Constitutional Amendments and Initiative Measures. A certification of these returns is also attached.

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

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 8, 1988.

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

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

(SEAL) Allen J. Beermann, Secretary of State

PUBLIC SERVICE COMMISSIONER

Frank E. Landis, First District
Duane Gay, Third District

STATE BOARD OF EDUCATION

Max D. Larsen, First District
James H. Monahan, Second District
Walter Thompson, Third District
Helen Greene, Fourth District

REGENT, UNIVERSITY OF NEBRASKA

Margaret Robinson, Third District
Nancy Hoch, Fourth District
Robert M. Allen, Fifth District
Rosemary Skrupa, Eighth District

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 listing of the Constitutional Amendments proposed by the Legislature, and Initiatives Ordered by Petition of the People, Numbers 402 and 403, showing the number of votes cast for each at the General Election in the State of Nebraska held on November 8, 1988.

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

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

(SEAL) Allen J. Beermann, Secretary of State

No. 1
A constitutional amendment to change finance provisions relating to the redevelopment of substandard or blighted property by further defining the project area.

FOR	317,614
AGAINST	208,076

No. 2
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	366,682

AGAINST 219,438

No. 3(A)
A constitutional amendment to provide that only registered voters, instead of electors, may sign petitions for initiatives or referendums.
FOR 380,863
AGAINST 177,861

No. 3(B)
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 297,125
AGAINST 288,935

#402
Shall legislation be enacted which would withdraw Nebraska from the Central Interstate Low-level Radioactive Waste Compact, and which would require the approval of a majority of electors statewide and a majority of electors of the local area affected prior to the construction of any low-level radioactive waste disposal facility in Nebraska other than nuclear power plants or facilities on the site of medical treatment or institutional research which store or dispose of radioactive materials produced as a by-product at the site?
FOR 225,174
AGAINST 414,394

#403
Shall Article I, Section I, of the Constitution of Nebraska be amended to establish a right to keep and bear arms for lawful purposes, and to provide that such right shall not be infringed by the State or any subdivision of the State?
FOR 393,829
AGAINST 216,528

The Secretary of State was escorted from the Chamber.

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

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

MOTION - Inaugural Ceremonies

Mr. Coordsen moved to arrange to hold the inaugural ceremonies for the newly elected State officials on Thursday, January 5, 1989 at 2:00 p.m.

The motion prevailed.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following proposed rule changes in the Journal. No objections. So ordered.

1. Amend Rule 3, Section 4(e) by adding new subsections.

(iii) The Clerk of the Legislature's Office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's Office shall be the "depository" for background information on the individual, a statement of financial interests if applicable and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

Amend Rule 3, Section 13 by adding the following language:

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, or resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee 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.

Amend Rule 9, Section 3 by adding the following language:

Sec. 3. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, ~~and~~ resolution and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, ~~or~~ resolution or gubernatorial appointment 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 or gubernatorial appointment has been referred to the committee.

2. Amend Rule 2, Section 3 by adding a new subsection (c) and relettering the remaining subsections.

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) With the permission of the chair, members may invite guests to the legislative chambers. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and

not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the Chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgement, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

~~(c)~~ (d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

~~(d)~~ (e) 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 other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office.

~~(e)~~ (f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

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

3. Amend Rule 7, Section 3(e):

(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. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

4. Amend Rule 7, Section 4:

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.

If the item under consideration at the time debate is ceased is a motion to indefinitely postpone a bill, and the principal introducer of the bill has not been afforded the opportunity to speak on the IPP motion during the normal course of debate, the introducer may speak for five minutes prior to the closing on the IPP motion.

5. 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 under consideration or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding

officer after eight hours of debate on the bill at each stage of consideration, except that the appropriation bills introduced by the Appropriations committee shall be subject to a cloture motion after twelve hours of debate at each stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on such pending amendment or motion shall be taken immediately. Following the vote on such 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 a motion for cloture is not debatable. If the motion for cloture is successful a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

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 one additional hour of debate has passed.

A motion to suspend the rules for the purpose of cloture shall not be in order.

UNANIMOUS CONSENT - Print in Journal

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

That the Committee on Credentials, elected on Wednesday, January 4, 1989, be appointed to consider the election contest in the 17th legislative district, the committee to have full power to issue subpoenas pursuant to Rule 3, section 20, compelling attendance of and testimony from witnesses -- as well as all books, documents, papers, materials or other information needed to produce a report which shall be presented to the Legislature within 15 calendar days.

ADJOURNMENT

At 1:12 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 10:00 a.m., Thursday, January 5, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 5, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 1989

Pursuant to adjournment, the Legislature met at 10:02 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 and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION - Adopt Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 5, 1989.

The motion prevailed.

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 1988 to attorneys, lobbyists,

and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Big Blue	
Everson, Wullschleger, Sutter, Sharp Korslund & Willet Attorneys	2,934.43
Lower Elkhorn	
Jewell, Gatz, Collins & Dreier Attorneys	1,958.42
Lower Niobrara	
Steier & Kreikemeier, P.C.	235.28
John Thomas, Attorney	389.36
Lower Platte South	
Crosby, Guenzel, Davis, Kessner & Kuester, Attorneys	31,751.06
Lower Republican	
Duncan, Duncan, Jelkin, & Walker, Attorneys	78.00
Middle Republican	
Attorney	190.50
North Platte	
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	250.00
South Platte	
Van Steenberg, Myers & Burke, Attorneys	740.88
Twin Platte	
Nielsen & Birch, Attorneys	2,414.00
Upper Elkhorn	
Dana F. Cole & Co.	1,200.00
Upper Niobrara-White	
None	
Upper Republican	
Terry Savage, Attorney	637.50

MESSAGES FROM THE GOVERNOR

November 29, 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 Commission, requiring legislative confirmation.

Appointee:
Robert D. Harry, M.D., Box 888, Lexington, NE 68850, (308) 324-5379.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 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 Power Review Board, requiring legislative confirmation.

Appointee:
Lawrence R. Myers, The Atrium, Suite 601, Lincoln, NE 68508, (402) 474-5181.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 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 Hall of Fame Commission, requiring legislative confirmation.

Appointee:
Ruth Ann Connell, Box 1116, Chadron, NE 69337, (308) 432-9914.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 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 reappointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee:
Susan K. Renken, West Fifth Circle, Imperial, NE 69033, (308) 882-5777.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 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 reappointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee:
Pauline M. Dye, 2121 Birchwood Drive, North Platte, NE 69101, (308) 532-5891.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 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 Child Abuse Prevention Fund Board, requiring legislative confirmation.

Appointee:
Nancy A. Nielsen, 9750 Ascot Drive, Omaha, NE 68114, (402) 392-0764.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

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 October and November, 1988, 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 October and November, 1988.

Findings of policies or statutes with regard to discrimination against persons who have taken a human immunodeficiency virus antibody or antigen test or who have been diagnosed as having acquired immunodeficiency syndrome (AIDS) from the following agencies in accordance with LB 1012, 1988: Administrative Services, Aeronautics, Aging, Agriculture, Athletic Commission, Banking and Finance, Correctional Services, Economic Development, Environmental Control, Fire Marshal, Health, Insurance, Labor, Crime Commission, Military, Motor Vehicles, Natural Resources, Personnel, Policy Research/Energy, Public Institutions, Revenue, Roads, Social Services, State Patrol, Veterans' Affairs, Water Resources, Attorney General, Barber Examiners, Engineers/Architects, Equal Opportunity, Workers' Compensation, University of Nebraska, Arts Council, Commission of Industrial Relations, Accountability and Disclosure Commission, Education, and Foster Care Review Board.

Annual report from Nebraska Workers' Compensation Court in accordance with Section 48-166, Reissue Revised Statutes of Nebraska, 1943, as amended by the Legislature, 1955.

Report from Water Management Board on the water and water rights transfer study pursuant to LB 146, 1987.

Feasibility study on expanding visitation facilities at the Omaha Correctional Center from the Department of Correctional Services in accordance with LB 1041, 1988.

Study of the structure of the electric power industry from the Nebraska Power Association in accordance with LB 705, 1987.

Study reports from the Nebraska Department of Roads of the state highway system's total needs, a review of highway standards, and planning and programming procedures.

Annual report from the Nebraska Game and Parks Commission.

Annual report from the Small Business Division of the Nebraska Department of Economic Development in accordance with State Statute 81-1277.

Report from the Nebraska Educational Telecommunications Commission for the implementation of the Nebraska Public Radio Network pursuant to Section 79-2101.

Report from the Nebraska Research and Development Authority in accordance with Nebraska Revised Statutes Supp., 1986 Sec. 58-401 et seq.

Report from the Department of Roads by the Game and Parks Commission, submitting a one year and five year plan of anticipated design, construction and improvement for all exterior access roads and interior service roads as provided under Section 39-1390, R.R.S. 1943.

Reports from the Budget Division of the Department of Administrative Services of agencies receiving additional federal funds for salaries and per diem expenditures, pursuant to LB 780, Section 95, and LB 782A, Section 77, 1987.

Annual report from the Nebraska Investment Finance Authority.

ANNOUNCEMENT

Mr. L. Johnson announced the Committee on Committees elected Mr. Beyer as Vice Chairperson.

REPORT OF COMMITTEE ON COMMITTEES

Mr. L. Johnson, Chairperson of Committee on Committees, offered the following report:

Agriculture - R. Johnson, Chairperson

Chambers
Coordsen
Elmer
Hefner
Kristensen
Lindsay
Morrissey

Appropriations - Warner, Chairperson

Ashford
Hannibal
L. Johnson
Langford
Moore
Schimek
Scofield
Wehrbein

Banking, Commerce and Insurance - Landis, Chairperson

Abboud
Conway
Haberman
Lynch
Schmit
Weihing
Wesely

Business and Labor - Coordsen, Chairperson

Chambers
Hefner
Korshoj
Lindsay
Morrissey
Pirsch

Education - Withem, Chairperson

Baack
Bernard-Stevens
Chizek
Crosby
Dierks
McFarland
Nelson

General Affairs - Smith, Chairperson

Beck
Elmer
Hall
Hartnett
R. Johnson
Kristensen
Labedz

Government, Military and Veterans Affairs - Baack, Chairperson

Bernard-Stevens
Beyer
Conway
Coordsen
Korshoj
Robak
Withem

Health and Human Services - Wesely, Chairperson

Byars
Crosby
Dierks
Goodrich
Lynch
Schellpeper

Judiciary - Chizek, Chairperson

Abboud
Chambers
Kristensen
Lindsay
McFarland
Nelson
Pirsch

Natural Resources - Schmit, Chairperson

Beck
Elmer
R. Johnson
Lamb
Morrissey
Smith
Weihing

Revenue - Hall, Chairperson

Haberman
Hartnett
Hefner
Labedz
Landis
Peterson
Rogers

Transportation - Lamb, Chairperson

Beyer
Byars
Goodrich
Peterson
Robak
Rogers
Schellpeper

Urban Affairs - Hartnett, Chairperson

Beck
Hall
Korshoj
Labedz
Pirsch
Smith

Rules - Lynch, Chairperson

McFarland	Rogers
Moore	Withem

Intergovernmental Cooperation - Hannibal, Chairperson

Beyer	Langford
Conway	Wesely

Mr. L. Johnson moved to adopt the Committee on Committees Report.

The Committee on Committees Report was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to liquor; to eliminate obsolete provisions relating to the effective date for certain salary increases; to eliminate a provision requiring a report to be filed within ten days after July 6, 1972, and allowing a tax credit; and to repeal sections 53-112.03, 53-112.04, and 53-160.09, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 2. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to probation; to amend section 29-2259, Revised Statutes Supplement, 1988; to delete an obsolete reference and eliminate obsolete statutes relating to the Nebraska Probation System Committee; and to repeal the original section, and also sections 29-2271 to 29-2274, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2270, 29-2275, and 29-2276, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 3. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-603, Reissue Revised Statutes of Nebraska, 1943; to eliminate duplicative investment language as prescribed; to eliminate an obsolete section relating to actions involving invalid installment sales agreements; to eliminate an obsolete section governing penalties which applied to transactions made prior to November 15, 1963; and to repeal the original section, and also sections 45-155.01 and 45-408, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 4. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to fees and salaries; to amend sections 16-252, 17-566, 33-106.02, 33-107, 33-108, and 47-120, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to eliminate obsolete language; to change incorrect references; to harmonize provisions; to transfer sections; and to repeal the original sections.

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

A BILL FOR AN ACT relating to counties; to amend sections 23-320.05, 23-343.28, 23-362.01, 23-362.04, 23-2502, and 33-129, Reissue Revised Statutes of Nebraska, 1943; to correct internal references as prescribed; to eliminate a notice requirement for certain elections; to redefine a term; to transfer a section relating to county assessors; to transfer a section relating to the Commission on Indian Affairs; to eliminate a provision relating to federal tax liens that is no longer needed; to eliminate a provision relating to classification of employees in the civil service system; to harmonize provisions; and to repeal the original sections, and also sections 23-1526 and 23-2530, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 6. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to insurance; to amend sections 44-107.03, 44-213.06, 44-336.04, 44-386.05, 44-710, 44-1491, 44-1493, 44-1498, 44-1802, 44-1803, 44-1804, and 44-1805, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to provide references to the Administrative Procedure Act for certain hearings and a notice provision; to change references to a

nonexistent act; to eliminate a section which defines the term this act for certain sections; to eliminate a provision relating to certificates of authority for health maintenance organizations; to harmonize provisions; and to repeal the original sections, and also sections 44-1920 and 44-3212, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 7. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to retirement; to eliminate sections providing operatives dates for certain provisions; and to repeal sections 84-1330 and 84-1330.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 8. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to labor; to repeal provisions governing the substitution of certain phrases; and to repeal sections 48-1,111 and 48-1,112, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 9. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 3-122, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute requiring a notice to the Department of Aeronautics; and to repeal the original section.

LEGISLATIVE BILL 10. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-2501, 2-2502, and 2-2504, Reissue Revised Statutes of Nebraska, 1943, and section 72-1237.01, Revised Statutes Supplement, 1988; to transfer and combine statutes relating to the Nebraska Agricultural Products Research Fund; to harmonize provisions; and to repeal the original sections, and also sections 2-2505 and 2-2506, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 11. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to courts; to amend sections 77-2401 to 77-2404, Reissue Revised Statutes of Nebraska, 1943; to transfer statutes relating to unclaimed witness fees; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to names; to amend section 40-118, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute authorizing registration of the name of a farm, ranch, or home; and to repeal the original section.

LEGISLATIVE BILL 13. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the state treasury; to amend sections 77-2405, 77-2417, and 77-2418, Reissue Revised Statutes of Nebraska, 1943, and section 85-505.01, Revised Statutes Supplement, 1988; to transfer statutes relating to the sale of judgments and mortgages, to appropriations, and to debts owed to and by the state; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to bankruptcy; to amend section 77-2419, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute authorizing political subdivisions and agencies of state government to file a petition; and to repeal the original section.

LEGISLATIVE BILL 15. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to schools; to amend sections 79-328, 79-1241, 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.02, Revised Statutes Supplement, 1988; to transfer statutes relating to course offerings, approval and accreditation standards, and health education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 16. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Secretary of State; to eliminate a statute on publication of session laws; and to repeal section 81-142, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 17. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to food donations; to amend section 25-21,189, Revised Statutes Supplement, 1988; to eliminate a reference to a repealed definitional section; to define terms; and to repeal the original section.

LEGISLATIVE BILL 18. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to preservation of history and records; to amend sections 19-3040, 32-845, 37-1304, 51-413, 72-810, 84-1204, 84-1212.01, and 84-1214.01, Reissue Revised Statutes of Nebraska, 1943, and section 72-815, Revised Statutes Supplement, 1988; to change references to the Nebraska State Historical Society, the State Archives, the State Archivist, the State Historic Preservation Officer, the State Records Board, and the State Records Administrator for consistency with other provisions of law; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the statewide open burning ban; to amend section 81-520.02, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions with former acts of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Commodity Code; to amend section 8-1733, Reissue Revised Statutes of Nebraska, 1943; to authorize sending a notice by certified mail to conform with Laws 1987, LB 93; and to repeal the original section.

LEGISLATIVE BILL 21. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to highways; to amend sections 39-6,100 and 39-1346, Reissue Revised Statutes of Nebraska, 1943; to eliminate an unused definition and a duplicative penalty provision; to change a penalty provision to harmonize with Laws 1977, LB 40, section 207; to eliminate a reference to a repealed section; and to repeal the original sections.

LEGISLATIVE BILL 22. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to children; to amend sections 42-103, 43-105, 43-279.01, 43-508, 43-702, 43-707, and 48-124, Reissue Revised Statutes of Nebraska, 1943; to change references to defective and illegitimate children to harmonize with Laws 1986, LB 1177, and Laws 1941, chapter 81, section 14; to change who can consent to adoption of a minor child; to provide for the standard of proof in certain cases involving Indian children to harmonize with Laws 1985, LB 255, section 34; to correct a reference to who can remove a child from certain custody; to combine related sections; and to repeal the original sections, and also section 43-703, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 23. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to husband and wife; to amend sections 42-363, 42-374, and 42-808, Reissue Revised Statutes of Nebraska, 1943; to eliminate duplicative and inconsistent language concerning finality of a decree dissolving a marriage; to change a reference to mental retardate to harmonize with Laws 1986, LB 1177; to change references to repealed statutes; and to repeal the original sections.

LEGISLATIVE BILL 24. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1501 and 23-1502, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions relating to the election of a register of deeds; and to repeal the original sections.

LEGISLATIVE BILL 25. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-557 and 60-2120, Reissue Revised Statutes of Nebraska, 1943; to eliminate a duplicative penalty provision; to eliminate a section providing for applicability of certain laws; to eliminate provisions relating to transition of the motorcycle education program; to harmonize provisions; and to repeal the original sections, and also sections 60-403.04, 60-509.04, 60-2140, and 60-2141, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 26. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to appeals; to amend sections 23-320 and 31-438, Reissue Revised Statutes of Nebraska, 1943; to correct internal references to an appeal procedure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 27. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1107, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a repealed statute; and to repeal the original section.

LEGISLATIVE BILL 28. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska brand inspection area; to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to repealed sections; and to repeal the original section.

LEGISLATIVE BILL 29. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to employment security; to amend section 48-609, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a nonexistent fund; and to repeal the original section.

LEGISLATIVE BILL 30. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to elections; to amend sections 32-485, 32-4,103, 32-4,150, and 79-486, Reissue Revised Statutes of

Nebraska, 1943; to delete references to repealed sections; and to repeal the original sections.

LEGISLATIVE BILL 31. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to sanitary drainage districts; to repeal provisions governing the issuance of bonds during 1947 and 1948; and to repeal sections 31-543 to 31-548, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 32. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to jails; to amend section 47-408, Reissue Revised Statutes of Nebraska, 1943; to change a reference to correspond with Laws 1982, LB 522, and Laws 1983, LB 401; and to repeal the original section.

LEGISLATIVE BILL 33. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public depositories; to amend sections 2-3227, 2-4214, 3-506, 3-709, 13-504, 13-1305, 14-512, 14-556, 14-563, 14-1237, 14-1719, 15-845, 15-846, 15-847, 15-848, 15-849, 16-712, 16-713, 16-714, 16-715, 17-607, 18-2102.01, 18-2473, 24-601.04, 46-146, 46-1,139, 46-1,140, 46-1,141, 72-1268.04, 72-1268.05, 77-2312, 77-2313, 77-2314, 77-2317, 77-2318, 77-2319, 77-2321, 77-2322, 77-2323, 77-2325, 77-2340, 77-2342, 77-2343, 77-2344, 77-2345, 77-2346, 77-2347, 77-2348, 77-2349, 77-2353, 77-2354, 77-2355, 77-2357, 77-2358, 77-2359, 77-2360, 77-2361, 77-2362, 77-2364, and 79-1051.03, Reissue Revised Statutes of Nebraska, 1943, and sections 3-616, 77-2318.01, 77-2320, 77-2326.02, 77-2326.03, 77-2326.04, 77-2326.06, 77-2326.07, 77-2326.08, 77-2326.09, 77-2328, 77-2329, 77-2350, 77-2350.01, 77-2351, 77-2352, 77-2353.01, 77-2363, and 77-2367, Revised Statutes Supplement, 1988; to change provisions relating to the investment of public funds as prescribed; to implement a duty of the Revisor of Statutes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 34. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101, 37-102, 37-201, 37-202, 37-204 to 37-208, 37-212, 37-213, 37-301, 37-303, 37-304, 37-305 to 37-308, 37-402, 37-403, 37-404, 37-408, 37-410, 37-411, 37-413, 37-501, 37-504 to 37-507, 37-508 to 37-510, 37-516, 37-603, 37-606 to 37-608, 37-610 to 37-614, 37-702, 37-705, 37-706, 37-711, and 37-902, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions with former acts of the Legislature; to correct internal references; and to repeal the original sections.

LEGISLATIVE BILL 35. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Grain Dealer Act; to amend section 75-909, Revised Statutes Supplement, 1988; to change a penalty provision as prescribed; and to repeal the original section.

LEGISLATIVE BILL 36. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to farm warehouses; to eliminate provisions relating to the regulation of warehousing grain on farms; and to repeal sections 88-601 to 88-616, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 37. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend sections 81-2,147.01 to 81-2,147.05 and 81-2,147.07 to 81-2,147.10, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,147.06, Revised Statutes Supplement, 1988; to define and redefine terms; to change provisions relating to labeling; to change provisions relating to the testing and sale of seeds; to change provisions relating to powers and duties of the Director of Agriculture; to provide for enforcement; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 38. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3002, 2-3921, 2-3923, 2-3925, 54-1363, and 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, and section 2-3005, Revised Statutes Supplement, 1988; to change a defined term; to provide labeling requirements for animal drugs; to provide construction standards for milk producers; to provide powers and duties for the Director of Agriculture; to change provisions relating to cancellation

of certain registrations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 39. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to weights and measures; to amend sections 66-1219, 81-216.30, 89-183 to 89-188, 89-192 to 89-199, 89-1,100, 89-1,101, and 89-1,103, Reissue Revised Statutes of Nebraska, 1943; to name the Weights and Measures Act; to define and redefine terms; to eliminate a term; to correct the name of an institute; to provide for additional standards for rules and regulations; to provide for a Certificate of Conformance; to provide for testing of weights and measures; to provide duties for the Director of Agriculture; to provide fees; to provide penalties; to harmonize provisions; to require a permit to operate certain weights and measures as provided; to provide for hearings; to change provisions relating to inspections; to change provisions relating to labeling; to provide for certain unlawful acts as prescribed and procedure to prevent them; to provide duties for county attorneys; to provide for payment of certain costs; to provide for maintenance of records as prescribed; to provide an operative date; and to repeal the original sections, and also sections 89-189, 89-190, 89-191, and 89-1,102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 40. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to judges retirement; to amend sections 24-701, 24-703, 24-708, and 24-710, Revised Statutes Supplement, 1988; to redefine a term; to change funding provisions for unfunded accrued liabilities; to provide for the reduction of certain benefits as prescribed; to change the computation of the retirement annuity; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-701, Revised Statutes Supplement, 1988; to provide for adjustments to the retirement allowance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to the Supreme Court; to amend section 24-201.01, Revised Statutes Supplement, 1988; to change provisions relating to salaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to hunting and fishing; to amend section 37-614, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liquidated damages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 44. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1002 to 29-1004 and 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of certain costs by the state when a person is determined to be mentally incompetent to stand trial; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 45. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to water; to amend sections 33-105, 46-295, 46-2,100, 46-2,101, and 46-2,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate the authorization to levy fees for withdrawal of incidentally stored underground water; to harmonize provisions; and to repeal the original sections, and also section 46-298, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 46. Introduced by Lamb, 43rd District; Schimek, 27th District.

A BILL FOR AN ACT relating to the school retirement system; to authorize persons employed as county school officials prior to July 10, 1976, to receive credit for certain years of service; to provide a duty for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 47. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1416, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to penalties for failure to obtain a license for selling and otherwise disposing of certain motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to smokeless tobacco products; to state intent; to define terms; to prohibit promotional distribution; to provide for an injunction; and to provide civil penalties.

LEGISLATIVE BILL 49. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to noxious weeds; to amend sections 2-946.02, 2-952, 2-953, 2-955, 2-957, 2-958, 2-961, 2-962, 2-963, and 2-2603, Reissue Revised Statutes of Nebraska, 1943, and section 2-954, Revised Statutes Supplement, 1988; to authorize the Director of Agriculture to administer the noxious weed control program as prescribed; to redefine a term; to change provisions relating to powers and duties of control authorities as prescribed; to provide powers and duties for the director; to create a fund; to establish a technical advisory committee; to change a fee; to provide for enforcement; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 50. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to animals; to amend sections 28-1003, 54-160, and 54-605, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988; to define terms; to prohibit certain acts involving animals; to authorize entry on property by law enforcement officers as prescribed; to authorize issuance of citations; to limit the liability of law enforcement officers as prescribed; to provide liability for the expenses of care, impoundment, or disposal of certain animals; to provide for the treatment of ownership of animals by minors; to change a provision relating to prohibited acts; to authorize regulation by cities, villages, and counties; to eliminate provisions prohibiting cruelty to animals; to change a provision relating to dogs running at large; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 51. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to rabies; to amend section 71-4406, Revised Statutes Supplement, 1988; to exempt certain animals from confinement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1579 and 81-1579.01, Revised Statutes Supplement, 1988; to provide for an election on the proposed site as prescribed; to change provisions relating to central offices of the Central Interstate Low-Level Radioactive Waste Compact Commission; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 53. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to plumbing inspection; to amend section 18-1901, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of costs of bonds; to provide for joint boards for the examination of plumbers; and to repeal the original section.

LEGISLATIVE BILL 54. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-216.01 and 81-216.02, Reissue Revised Statutes of Nebraska, 1943; to require certain food service establishments to post a disclosure statement as prescribed; to provide for failure to comply with such requirement; to eliminate a definition; to harmonize provisions; and to repeal the original sections, and also section 81-216.14, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 55. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943; to exempt certain board, commission, and committee members from financial disclosure requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-211, Reissue Revised Statutes of Nebraska, 1943; to authorize

additional methods of record keeping by buyers of raw furs; and to repeal the original section.

LEGISLATIVE BILL 57. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1214, Revised Statutes Supplement, 1988; to change provisions relating to the use of motor vehicle tax funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.05, Reissue Revised Statutes of Nebraska, 1943; to decrease the fee for amateur radio station license plates; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to rental vehicles; to adopt the Collision Damage Waiver Act; and to provide a penalty.

LEGISLATIVE BILL 60. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101, 8-1103, and 8-1111, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to transactions exempt from registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 61. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to insurance; to provide for foreign insurer's approval as domestic insurers; to provide for domestic insurers to transfer domicile; to provide for continuation of business upon transfer of domicile; and to provide for rules and regulations.

LEGISLATIVE BILL 62. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to the state; to amend section 90-107, Reissue Revised Statutes of Nebraska, 1943; to change the state bird to the sandhill crane; and to repeal the original section.

LEGISLATIVE BILL 63. Introduced by Smith, 33rd 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, 1988; 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 64. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to insurance; to adopt the Child Health Insurance Reform Act.

LEGISLATIVE BILL 65. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to hunting; to amend section 37-215.06, Reissue Revised Statutes of Nebraska, 1943; to require hunters to wear hunter orange material as prescribed; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the filing of documents; to amend section 49-1203, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the receipt of timely filings; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 67. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3512, Reissue Revised Statutes of Nebraska, 1943; to provide for a waiver of the filing deadline for the homestead exemption for certain circumstances; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to maternal and child health programs; to amend sections 71-2201 and 71-2202, Reissue Revised Statutes of Nebraska, 1943; to provide for a designated administrator; to state qualifications; and to repeal the original sections.

LEGISLATIVE BILL 69. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-401 and 60-402, Reissue Revised Statutes of Nebraska, 1943; to provide funding for driver education programs as prescribed; to provide standards for such programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 70. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943; to require retail licensees to post warning signs for pregnant women as prescribed; to provide for the distribution of information; to authorize fees; to eliminate certain sections declared unconstitutional; to harmonize provisions; and to repeal the original section, and also sections 53-117.03 and 53-117.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 71. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to amend section 66-411, Reissue Revised Statutes of Nebraska, 1943; to provide a lien as prescribed; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-403.01 and 60-2138, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to operator's licenses; to provide an additional use for funds; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to liability; to amend section 44-2823, Reissue Revised Statutes of Nebraska, 1943; to adopt the Vaccine Injury Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 74. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to school districts; to amend section 79-406, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the transfer of certain land between school districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 75. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-344, Reissue Revised Statutes of Nebraska, 1943; to change a penalty for registration in the incorrect county or location; and to repeal the original section.

LEGISLATIVE BILL 76. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to local government; to amend sections 13-804, 13-903, 48-193, 71-5034, and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,210 and 81-8,303, Revised Statutes Supplement, 1988; to provide that entities created by local public agencies are not state agencies; to change provisions relating the plans of expenditures prepared by certain regional governing boards and mental retardation regions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 77. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to state officers and employees; to amend sections 81-8,239.02, 81-8,239.05, and 81-8,239.06, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the Risk Manager; to provide for indemnification of certain costs; to provide for representation before tribunals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 78. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111 to 75-118, 75-128, 75-140, 75-155, 75-301 to 75-304, 75-305 to 75-307, 75-309, 75-311, 75-348, and 75-358, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to investigatory powers; to change provisions relating to examinations; to change provisions relating to records and reports; to change penalty provisions; to provide an administrative remedy for certain violations by carriers as prescribed; to provide for notice and a hearing; to change provisions relating to filing petitions; to define a term; to require insurance for certain commercial motor carriers; to eliminate enforcement duties of certain officials as prescribed; to eliminate certain penalties; to harmonize provisions; to provide

severability; and to repeal the original sections, and also sections 75-309.02 and 75-322.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 79. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to license plates; to amend section 60-311.10, Reissue Revised Statutes of Nebraska, 1943; to authorize prestige plates for certain commercial trucks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 80. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to marriage; to amend section 42-404, Reissue Revised Statutes of Nebraska, 1943; to eliminate a restriction on where Indians may obtain marriage licenses; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-408 to 31-409.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of boards of directors; to provide for a list of eligible voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 82. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1628, Revised Statutes Supplement, 1988; to change provisions relating to jury lists; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Elmer, 38th District; R. Johnson, 34th District; Weihing, 48th District.

A BILL FOR AN ACT relating to noxious weeds; to amend sections 2-946.01, 2-946.02, 32-421.01, 72-240.08, 72-240.09, and 85-162.03, Reissue Revised Statutes of Nebraska, 1943, and sections 11-119 and 13-503, Revised Statutes Supplement, 1988; to adopt the Noxious Weed Control Act; to eliminate provisions relating to noxious weeds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-952, 2-953, 2-954.02 to 2-959, 2-961 to 2-963, and 2-966, Reissue Revised Statutes of Nebraska, 1943, and sections 2-954 and 2-960, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 84. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Relief Act.

LEGISLATIVE BILL 85. Introduced by Pirsch, 10th District.

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

LEGISLATIVE BILL 86. Introduced 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 87. Introduced 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 redefine a term; 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 88. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Supplement, 1988; to increase the income limits for certain homestead exemptions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to education; to adopt the Help Education Lead to Prosperity Act.

LEGISLATIVE BILL 90. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to hunting and shooting; to amend sections 28-522, 28-1335, 37-501, and 37-510, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criminal

trespass; to prohibit use of certain firearms as prescribed; to prohibit shooting from certain highways and certain other acts; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to standards for public buildings; to amend sections 32-438, 72-1101, 72-1102, and 72-1120 to 72-1124, Reissue Revised Statutes of Nebraska, 1943, and section 72-1119, Revised Statutes Supplement, 1988; to provide the State Fire Marshal with the duty to adopt and promulgate certain standards and specifications; to eliminate statutory standards and specifications; and to repeal the original sections, and also sections 72-1103, 72-1104, and 72-1106 to 72-1118, Reissue Revised Statutes of Nebraska, 1943, and section 72-1105, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 92. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-101.01, 44-102, 44-103, 44-105, 44-107, 44-107.03, 44-108, 44-108.01, 44-114, 44-116, 44-117, 44-119, 44-120, 44-122, 44-125, 44-127.04, 44-127.08, 44-127.14, 44-127.30, 44-129, 44-130, 44-133.01, 44-133.04, 44-138, 44-139, 44-140, 44-141, 44-142, 44-147, 44-147.01, 44-147.02, 44-147.03, 44-147.04, 44-147.06, 44-152, 44-157, 44-202, 44-202.01, 44-205, 44-205.01, 44-206, 44-208, 44-208.01, 44-208.02, 44-208.05, 44-208.06, 44-208.07, 44-208.08, 44-210, 44-211, 44-212, 44-213, 44-214, 44-216, 44-217, 44-218, 44-219, 44-220, 44-221, 44-222, 44-222.01, 44-222.02, 44-223, 44-224.01, 44-224.03, 44-224.04, 44-224.05, 44-224.07, 44-224.08, 44-231, 44-232, 44-234, 44-235, 44-236, 44-237, 44-238, 44-239, 44-240, 44-243, 44-247, 44-301, 44-303, 44-304, 44-305, 44-319.02, 44-319.05, 44-319.11, 44-326, 44-336, 44-336.01, 44-336.02, 44-336.03, 44-336.04, 44-336.05, 44-336.06, 44-348, 44-351, 44-352, 44-356, 44-367, 44-379, 44-379.01, 44-380, 44-386.01, 44-386.05, 44-386.06, 44-386.08, 44-3,111, 44-3,112, 44-3,114, 44-3,115, 44-3,116, 44-3,117, 44-3,118, 44-402, 44-501, 44-502.04, 44-503, 44-511, 44-514, 44-519, 44-709, 44-710, 44-710.01, 44-710.02, 44-710.03, 44-710.04, 44-710.05, 44-710.06, 44-710.07, 44-710.08, 44-710.09, 44-710.10, 44-710.11, 44-710.12, 44-710.13, 44-710.14, 44-710.15, 44-710.16, 44-710.18, 44-710.19, 44-749, 44-756, 44-758, 44-761, 44-763, 44-764, 44-766, 44-767, 44-769, 44-779, 44-780, 44-781, 44-782, 44-805, 44-808, 44-1203, 44-1410, 44-1435, 44-1453, 44-1465.01, 44-1480, 44-1523, 44-1525, 44-1533, 44-1605, 44-1607, 44-1607.01, 44-1614, 44-1708, 44-1806, 44-1908, 44-1911, 44-1914, 44-1915, 44-1916, 44-2002, 44-2008,

44-2106, 44-2112, 44-2117, 44-2201, 44-2204, 44-2205, 44-2206, 44-2219, 44-2220, 44-2407, 44-2408, 44-2502, 44-2503, 44-2606, 44-2609, 44-2614, 44-2615, 44-2618, 44-2621, 44-2622, 44-2623, 44-2627, 44-2628, 44-2633, 44-2634, 44-2635, 44-2705, 44-2713, 44-2916, 44-3112, 44-3211, 44-3231, 44-3233, 44-3236, 44-3239, 44-3244, 44-3247, 44-3263, 44-3270, 44-3277, 44-3285, 44-3310, 44-3403, 44-3502, 44-3602, 44-3611, 44-3714, 44-3717, 44-3804, 44-3810, 44-3902, 44-3903, 44-3904, 44-3905, 44-4002, 44-4005, 44-4010, 44-4015, 44-4017, 44-4019, 44-4020, 44-4022, 44-4033, 44-4035, 44-4037, 44-4103, 44-4209, 44-4210, 44-4307, 44-4421, 44-4508, 44-4509, 44-4510, 44-4512, 71-2069, and 77-908, Reissue Revised Statutes of Nebraska, 1943; to change internal references as prescribed; to define, redefine, and eliminate terms; to authorize the Department of Insurance to employ persons as prescribed; to provide for confidentiality and limit liability as prescribed; to change and provide fees; to change provisions relating to examinations; to change references to stockholders; to change a provision requiring examination of a company increasing or reducing its capital stock; to change provisions relating to surplus lines licenses and policies; to change requirements for the granting of certificates of authority as prescribed; to limit the expenses for distribution and sale of stock and stock subscriptions; to change requirements for members of the board of directors of insurance corporations; to change references to policyholders of mutual companies; to change capital stock requirements; to change minimum surplus requirements; to change provisions relating to the amendment of articles of incorporation; to provide for the applicability of the Nebraska Business Corporation Act to insurance corporations; to eliminate a restriction on organizational expenses; to eliminate references to burial associations and governmental retirement systems; to change security deposit and bond requirements; to change a provision relating to records required for certain disbursements; to require approval of policies, bonds, and certificates as prescribed; to provide grounds for the suspension of a license; to require filing of contracts of association; to change a provision relating to valuation of reserves; to authorize variances from standard policies as prescribed; to restrict certain provisions relating to life and endowment insurance; to change the requirements for mailed notices; to change a provision relating to fire marine or liability insurance; to provide for notice of cancellation or nonrenewal; to require a notice on each policy stating that the policy may be returned and premiums refunded; to change the time limit for certain defenses as prescribed; to change the time limit for nonrenewal of policies as prescribed; to provide for the direct payment of certain benefits to health care providers; to change a

provision relating to reciprocal insurance; to change provisions relating to adoption and promulgation of rules and regulations; to change the amount payable for funeral and illness expenses as prescribed; to provide for issuance of life insurance on a franchise or wholesale basis; to eliminate an exemption from certificate of authority requirements; to change requirements for individual licensure as prescribed; to change individual licensure fees; to provide an examination fee; to change the expiration date of certain licenses; to require the filing of medicare supplement policy advertising materials; to eliminate a provision relating to offering of prepaid dental service prior to July 17, 1982; to provide a fee for review of continuing education activities; to transfer and change provisions relating to education requirements for certain agents; to provide education requirements for brokers and consultants; to exempt certain persons from examination requirements; to change provisions of the Insurers Producers Licensing Act; to provide duties for the Revisor of Statutes; to eliminate provisions relating to unauthorized insurers; to eliminate a provision applicable to companies licensed on July 16, 1913; to eliminate a prohibition on scaled contracts; to eliminate provisions relating to certain benefit plans; to eliminate provisions relating to limitation of certain liability for member assessments; to eliminate provisions relating to guaranty capital certificates; to eliminate provisions relating to false statements, misrepresentation, twisting, discrimination, inducements, and rebates; to eliminate provisions relating to cash surrender values, reserves, and the exchange of certain certificates without a loss; to eliminate provisions regulating issuance of insurance as a condition of a loan or financing a sale; to eliminate provisions relating to workers' compensation companies, adjuster's investigations, and unlawful combinations; to eliminate provisions relating to participating and nonparticipating business; to eliminate provisions relating to certain death benefits; to eliminate provisions relating to misleading or deceptive advertising; to eliminate exemptions of benefits from legal process; to eliminate provisions relating to assessment hail associations; to eliminate a provision relating to study materials; to eliminate a provision relating to health maintenance organizations; to eliminate provisions which authorize nonprofit hospital service corporations; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 21-1509, 21-1509.01, 21-1510, 21-1512, 21-1514, 21-1515, 21-1516, 21-1518, 44-137.01, 44-137.02, 44-137.07, 44-137.08, 44-137.09, 44-137.10, 44-148, 44-153, 44-158, 44-209, 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, 44-219.04, 44-219.05, 44-219.06, 44-219.07, 44-219.08, 44-219.09, 44-306, 44-323, 44-324, 44-362, 44-363, 44-364,

44-365, 44-366, 44-368, 44-383, 44-384, 44-385, 44-3,100, 44-3,101, 44-3,104, 44-3,105, 44-3,106, 44-410, 44-411, 44-412, 44-413, 44-604, 44-624, 44-625, 44-626, 44-627, 44-708, 44-736, 44-750, 44-751, 44-752, 44-754, 44-813, 44-813.01, 44-814, 44-815, 44-816, 44-817, 44-818, 44-819, 44-820, 44-3212, and 44-4021, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1513, 21-1519, 21-1520, and 21-1521, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 93. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1108, Revised Statutes Supplement, 1988; to limit a registration fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 94. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Nebraska Installment Sales Act; to amend sections 45-335, 45-337, and 45-341, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to authorize a buyer to purchase nonfiling insurance as prescribed; to authorize the collection of a fee as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 95. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to cities of the primary class; to authorize cities of the primary class to regulate certain intrastate natural gas pipelines; and to declare an emergency.

LEGISLATIVE BILL 96. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to universities and colleges; to amend section 77-2602, Revised Statutes Supplement, 1988; to change the distribution of the cigarette tax as prescribed; to provide for certain transfers of money and appropriations to provide for the defeasance of certain obligations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 97. 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 constitute principal or income; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to provide for the defeasance of obligations issued to construct a central data processing and print shop building.

EASE

The Legislature was at ease from 10:41 a.m. until 11:26 a.m.

SPEAKER BARRETT PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 99. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Uniform Commercial Code -- Investment Securities; to amend sections 1-201, 5-114, 8-102 to 8-106, 8-201 to 8-208, 8-301 to 8-320, 8-401 to 8-406, 9-103, 9-105, 9-203, 9-302, 9-304, 9-305, 9-309, and 9-312, Uniform Commercial Code; to redefine terms; to change provisions relating to investment securities; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to leases; to amend sections 1-105, 1-201, and 9-113, Uniform Commercial Code; to redefine a term; to adopt uniform provisions governing leases of goods; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Moore, 24th District; L. Johnson, 15th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 60-2801, 60-2803, and 60-2808, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on and conditions for the operation of such vehicles as prescribed; to harmonize provisions; and

to repeal the original sections, and also section 60-2802, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 102. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101 and 28-807, Revised Statutes Supplement, 1988; to limit access to certain materials by minors; to provide exceptions; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. 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, 1988; 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 104. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119, Reissue Revised Statutes of Nebraska, 1943; to require a school district number on the income tax form before filing; and to repeal the original section.

LEGISLATIVE BILL 105. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-513, Reissue Revised Statutes of Nebraska, 1943; to authorize payments for treatments or services performed by chiropractors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 106. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to municipal improvements; to amend section 19-2431, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to special assessments on agricultural land within improvement districts; and to repeal the original section.

LEGISLATIVE BILL 107. 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 provisions relating to the computation of foundation aid; and to repeal the original section.

LEGISLATIVE BILL 108. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,112 and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to prohibit the operation on public roads of motor vehicles which display obscene words as prescribed; to define a term; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 109. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and section 28-106, Revised Statutes Supplement, 1988; to change provisions relating to facilities in which sentences of one year are served; and to repeal the original sections.

LEGISLATIVE BILL 110. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska, 1943; to provide for the attendance of a tenant during an inspection for damages as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 111. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to service of process and subpoenas; to amend sections 25-506.01, 25-1223, 29-1901, and 29-1902, Reissue Revised Statutes of Nebraska, 1943; to authorize service by private individuals as prescribed; to provide for taxing the cost of such service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Smith, 33rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.05, Reissue Revised Statutes of Nebraska, 1943; to change a fee for license plates inscribed with official amateur radio call letters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 113. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2353.01, Revised Statutes Supplement, 1988; to add a permissible investment for public power district funds; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Schellpeper, 18th District; Elmer, 38th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2802, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to operation of all-terrain vehicles; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 115. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943; to change a fee for the replacement or duplication of a certificate of title; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to prostitution; to amend section 28-801, Revised Statutes Supplement, 1988; to eliminate the authority to issue citations in lieu of arrest; to change the penalty for violations; and to repeal the original section.

LEGISLATIVE BILL 117. Introduced by R. Johnson, 34th District; Moore, 24th District; Elmer, 38th District; Scofield, 49th District; Dierks, 40th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Leafy Spurge Control Act.

LEGISLATIVE BILL 118. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to county extension offices; to state intent; to change funding; and to appropriate funds.

LEGISLATIVE BILL 119. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Chemigation Act; to amend sections 46-1113 and 46-1127, Reissue Revised Statutes of Nebraska, 1943; to limit the method of chemigation to a system in which the well pump and chemicals are separated; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Grain Warehouse Act; to amend sections 88-530, 88-531, 88-532, 88-543, 88-545, and 88-547, Reissue Revised Statutes of Nebraska, 1943; to permit additional types of security for a licensee; to permit joint or separate licensure of warehouses as prescribed; to change penalty provisions; to provide for priority of claims as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to environmental protection; to state intent; to create the Environmental Response Cooperation Fund; and to provide powers and duties for the Department of Environmental Control and the Director of Environmental Control with regard to hazardous substances as prescribed.

LEGISLATIVE BILL 122. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,178, Reissue Revised Statutes of Nebraska, 1943; to exempt vehicles transporting manufactured homes from height limitations; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-503, Reissue Revised Statutes of Nebraska, 1943; to provide for the purchase and payment of insurance on certain property used by airport authorities; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to counties; to authorize entry upon land and buildings by certain county officials; and to provide immunity from trespass actions as prescribed.

LEGISLATIVE BILL 125. Introduced by Goodrich, 20th District; Labedz, 5th District; Lynch, 13th District; Lindsay, 9th District; Pirsch, 10th District; Beck, 8th District.

A BILL FOR AN ACT relating to metropolitan utility districts; to amend sections 14-1103 and 14-1103.02, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the powers of a district; to authorize the use of eminent domain to acquire existing facilities; and to repeal the original sections.

LEGISLATIVE BILL 126. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1988; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 127. Introduced by Hefner, 19th District; Dierks, 40th District; Rogers, 41st District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to hunting as prescribed; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Elmer, 38th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09 and 60-315, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the credit of registration fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to hearing-impaired and speech-impaired persons; to provide for the creation of a statewide telephone communication system for such persons; to define terms; to create a fund; to provide a surcharge; to provide powers and duties for the Public Service Commission; and to provide for a special committee.

LEGISLATIVE BILL 130. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Commission for the Hearing Impaired; to amend sections 71-4727 and 71-4732, Reissue Revised Statutes of Nebraska, 1943, and sections 71-4720 and 71-4728, Revised Statutes Supplement, 1988; to require the commission to provide specialized telecommunications equipment as prescribed; to defined a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 33-105 and 46-212.02, Reissue Revised Statutes of Nebraska, 1943; to provide a fee for certain services; to provide for the use and distribution of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 133. 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 134. Introduced by Scofield, 49th District; McFarland, 28th District; Baack, 47th District; Withem, 14th District; Bernard-Stevens, 42nd District; Nelson, 35th District.

A BILL FOR AN ACT relating to mathematics; to establish the Junior Mathematics Prognosis Examination; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 135. Introduced by Elmer, 38th District; Rogers, 41st District.

A BILL FOR AN ACT relating to medical facilities; to amend section 23-343.02, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the salaries of board members of

certain county medical facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 136. Introduced by Schimek, 27th District.

A BILL FOR AN ACT relating to counties; to provide for computer access to certain records in the register of deeds office by private computer or other electronic means; and to provide a fee.

LEGISLATIVE BILL 137. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide for increases in retirement benefits as prescribed.

LEGISLATIVE BILL 138. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-806, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to public indecency; and to repeal the original section.

LEGISLATIVE BILL 139. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the board; 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 140. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 77-2716, Revised Statutes Supplement, 1988; to adopt the Nebraska College Savings Plan Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-603 and 39-669.08, Reissue Revised Statutes of Nebraska, 1943; to provide that laws prohibiting driving while under the influence of alcoholic liquor or drugs and laws relating to implied

consent apply on private and public property; and to repeal the original sections.

LEGISLATIVE BILL 142. Introduced by Baack, 47th District; Conway, 17th District.

A BILL FOR AN ACT relating to motor vehicles; to authorize special license plates for disabled veterans; and to provide for replacement license plates.

LEGISLATIVE BILL 143. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2651, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the allocation and distribution of funds; and to repeal the original section.

LEGISLATIVE BILL 144. Introduced by Baack, 47th 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 handicappped students as prescribed; and to repeal the original section.

LEGISLATIVE BILL 145. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3501, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contributions to pension plans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 146. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to abandoned motor vehicles; to amend sections 60-303, 60-1902 to 60-1904, and 60-1909 to 60-1911, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to custody of such vehicles; to provide liability for removal and storage costs; to require notification of towing as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to courts; to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943; to increase the number of judges of the district court; and to repeal the original section.

LEGISLATIVE BILL 148. Introduced by Chizek, 31st District; Hall, 7th District; Lindsay, 9th District.

A BILL FOR AN ACT relating to pension plans; to amend section 18-1723, Reissue Revised Statutes of Nebraska, 1943; to provide a rebuttable presumption of death or disability for certain firefighters and law enforcement personnel injured or killed in the line of duty; and to repeal the original section.

LEGISLATIVE BILL 149. Introduced by Ashford, 6th District; Hefner, 19th District; McFarland, 28th District.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1401, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1988; to provide limits on campaign contributions as prescribed; to state intent; to provide public funds for certain political campaigns as prescribed; to create a fund; to provide duties for the Nebraska Accountability and Disclosure Commission and Tax Commissioner; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 150. Introduced by Wesely, 26th District; L. Johnson, 15th District; Hefner, 19th District; Labedz, 5th District; Lynch, 13th District; Hannibal, 4th District; Elmer, 38th District; Rogers, 41st District; Ashford, 6th District; Hall, 7th District; Chambers, 11th District; Conway, 17th District.

A BILL FOR AN ACT relating to handicapped parking permits; to amend section 18-1738, Reissue Revised Statutes of Nebraska, 1943; to redefine the term handicapped or disabled person as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 151. Introduced by Chambers, 11th District; Baack, 47th District; Ashford, 6th District; Chizek, 31st District; Landis, 46th District; Conway, 17th District; Hartnett, 45th District; Withem, 14th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend sections 37-1304, 51-413, 82-105, 82-107, 82-108.02, 82-111, 82-112, 82-118, 82-124, 84-710, and 84-1214.01,

Reissue Revised Statutes of Nebraska, 1943, and sections 28-101 and 72-1237.01, Revised Statutes Supplement, 1988; to change and eliminate provisions relating to the society; to define terms; to provide powers and duties for the society and for the executive board and the director of the society; to create the executive board of the society and to provide membership; to change provisions relating to violations involving monuments and historical markers; to transfer provisions relating to Pioneers' Memorial Day and historical surveys; to eliminate provisions relating to certain historical properties; to harmonize provisions; and to repeal the original sections, and also sections 82-101 to 82-104, 82-106, 82-108, 82-108.01, 82-109, 82-110, 82-114, 82-115, 82-117, 82-119 to 82-123, and 82-125 to 82-132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 152. Introduced by Baack, 47th District; Weihing, 48th District.

A BILL FOR AN ACT relating to the rules of the road; to amend sections 39-6,180 and 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special permits for exceeding maximum weight limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 153. Introduced by Baack, 47th District; Scofield, 49th District; Weihing, 48th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-186.01, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the prohibition on the consumption of liquor in public places; and to repeal the original section.

LEGISLATIVE BILL 154. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-124, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide a license for the sale of wine only off the premises as prescribed; to provide a fee; and to repeal the original sections.

LEGISLATIVE BILL 155. Introduced by Rogers, 41st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,136, Reissue Revised Statutes of Nebraska, 1943; to provide

restrictions on transparent sunscreening and luminous reflectance materials in motor vehicle windows as prescribed; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Hefner, 19th District; Ashford, 6th District; Pirsch, 10th District; Lynch, 13th District; Elmer, 38th District; Beyer, 3rd District; Goodrich, 20th District; Baack, 47th District; Hall, 7th District; Labedz, 5th District; Lindsay, 9th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to recipients of the Purple Heart as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 157. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to require boards of health and health care facilities to provide patient information to persons rendering emergency medical or rescue services as prescribed; to prohibit the release of certain confidential information; and to provide a penalty.

LEGISLATIVE BILL 158. Introduced by Labedz, 5th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to personalized prestige license plates; and to repeal the original section.

LEGISLATIVE BILL 159. Introduced by Conway, 17th District; Ashford, 6th District; Lindsay, 9th District; Chizek, 31st District; McFarland, 28th District; Nelson, 35th District; Chambers, 11th District; Abboud, 12th District.

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 fault; 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.

LEGISLATIVE BILL 160. Introduced by Warner, 25th District; Langford, 36th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the university and state colleges; to amend sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-335, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1373, 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988; to establish the University of Nebraska at Kearney; to provide for the transfer of rights and obligations and employees as prescribed; to provide powers and duties for the Board of Regents; to create funds; to harmonize provisions; to provide operative dates; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

LEGISLATIVE RESOLUTION 2CA. Introduced by R. Johnson, 34th District; Lamb, 43rd District; Moore, 24th District; Wehrbein, 2nd District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VIII, section 1.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VIII, section 1, 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 ~~said~~ the 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 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 may 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. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 permitting 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.

ANNOUNCEMENT

Mr. Wesely announced the Health and Human Services Committee elected Mr. Lynch as Vice Chairperson.

VISITORS

Visitors to the Chamber were former Senator Tom Fitzgerald; and Omer Troester from Hampton and Alberto Porras from Costa Rica.

RECESS

At 11:48 a.m., on a motion by Mr. Moore, 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. Abboud, Ashford, Goodrich, Hall, Hannibal, Landis, Moore, Schmit, and Mrs. Robak who were excused.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 161. Introduced by R. Johnson, 34th District; Scofield, 49th District; Coordsen, 32nd District; Elmer, 38th District; Schellpeper, 18th District; Weihing, 48th District; Baack, 47th District.

A BILL FOR AN ACT relating to economic poisons; to amend sections 2-2601, 2-2604, 2-2610, 2-2613, 2-2614, 2-2616 to 2-2620, and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide powers and duties for the Director of Agriculture; to change provisions relating to private and commercial applicators; to require records; to provide for the denial, suspension, and revocation of certificates; to change a penalty; to provide for rules and regulations; to prohibit certain uses of pesticides; to provide access to premises; to provide enforcement procedures; to eliminate a penalty; to harmonize provisions; and to repeal the original sections, and also section 2-2621, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 162. Introduced by R. Johnson, 34th District; Elmer, 38th District; Rogers, 41st District; Schellpeper, 18th District; Lamb, 43rd District; Baack, 47th District.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statutes of Nebraska, 1943; to provide for funding of the state's animal damage program; to state intent; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by R. Johnson, 34th District; Scofield, 49th District; Hall, 7th District; Schellpeper, 18th District; Baack, 47th District; Ashford, 6th District; Wesely, 26th District.

A BILL FOR AN ACT relating to waste reduction and recycling; to state intent; to create a fund; to provide for the use of such fund; to provide for fees for the purchase of tires and newsprint and for certain businesses as prescribed; to provide for grants as prescribed; and to provide procedures for the awarding of such grants.

LEGISLATIVE BILL 164. Introduced by Ashford, 6th District; Landis, 46th District; Conway, 17th District; Chizek, 31st District.

A BILL FOR AN ACT relating to historic preservation; to establish the Task Force on Historic Preservation; to state intent; to provide powers and duties; and to provide for termination of the task force.

LEGISLATIVE BILL 165. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 5-108, 5-108.02, 14-201, 14-201.03, and 14-201.04, Reissue Revised Statutes of Nebraska, 1943; to provide quadrennial city council elections; to provide for redrawing city council districts in cities of the metropolitan class as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to game and fish; to amend sections 37-503.05 and 37-505, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of nongame fish and bullheads as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to park entry permits; to amend section 37-1111, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to game and fish reserves and sanctuaries; to amend section 37-410, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision authorizing the shooting of certain animals on reserves or sanctuaries; and to repeal the original section.

LEGISLATIVE BILL 169. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1233, 37-1234, and 37-1235, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lights on certain boats and other vessels as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 170. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to game and fish; to amend section 37-502, Reissue Revised Statutes of Nebraska, 1943; to change fees for commercial seining vendor permits; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 171. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943; to prohibit taking animals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 172. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to hunting and fishing; to amend section 37-505, Reissue Revised Statutes, 1943; to increase a permit fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-223, Reissue Revised Statutes of Nebraska, 1943;

to change a provision relating to the regulation of water rates by a city; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools and school districts; to authorize contracts for nonteaching services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 175. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to labor; to amend section 48-1116, Reissue Revised Statutes of Nebraska, 1943; to increase compensation of members of the Equal Opportunity Commission as prescribed; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to labor; to amend section 48-1102, Reissue Revised Statutes of Nebraska, 1943; to redefine the term disability; and to repeal the original section.

LEGISLATIVE BILL 177. Introduced by McFarland, 28th 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.

LEGISLATIVE BILL 178. 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 prohibit official court reporters from soliciting additional business as prescribed; and to repeal the original section.

LEGISLATIVE BILL 179. 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 prohibit official court reporters from soliciting additional business as prescribed; and to repeal the original section.

LEGISLATIVE BILL 180. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the university and state colleges; to amend sections 85-113 and 85-311, Reissue Revised Statutes of Nebraska, 1943; to provide free tuition for persons sixty years of age or older as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Supplement, 1988; to provide for contributions from income tax refunds as prescribed; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 182. Introduced by Scofield, 49th District; Coordsen, 32nd District; Bernard-Stevens, 42nd District; Ashford, 6th District; Moore, 24th District; Kristensen, 37th District; Labedz, 5th District; Schellpeper, 18th District; Lindsay, 9th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-284, 43-284.01, 43-285 to 43-287, 43-289, 43-290, 43-2,106, 43-2,126, and 43-2,129, Reissue Revised Statutes of Nebraska, 1943, and sections 24-313 and 24-541.01, Revised Statutes Supplement, 1988; to provide an expedited review procedure for certain juvenile cases as prescribed; to include certain entities in the persons authorized to appeal certain proceedings; to change provisions relating to reports on juveniles; to change provisions relating to the authority of the Department of Social Services over juveniles committed to the department; to require the department to pay certain costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 183. Introduced by Baack, 47th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1331, 79-3320, 79-3330, and 79-3332, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide students the option of attending a school in a district other than the one in which he or she resides; to define and redefine terms; to provide for procedure relating to applications as prescribed; to provide duties for the resident and option districts; to transfer funds; to change provisions relating to the duties of each school district for special education programs; to change provisions for the amount paid to a servicing agency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-706, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the sale of game birds or animals propagated pursuant to a permit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 185. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-814.01, Reissue Revised Statutes of Nebraska, 1943; to change the maximum amount allowed in each change cash fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 186. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1417.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the buyer's information form required for auction sales; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to medical assistance to the poor; to amend sections 68-104, 68-126, 68-128, 68-133, 68-139, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to change responsibilities of the state and counties regarding such assistance; to provide requirements for such assistance; to provide procedures for providing such assistance; to provide for audits; to provide for subrogation; to authorize rules and regulations; to limit the total cost of such assistance; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 188. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to educational lands; to amend section 72-240.26, Reissue Revised Statutes of Nebraska, 1943; to require the sale of educational lands; to require reporting of such sales; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Lynch, 13th District; Moore, 24th District; Withem, 14th District; McFarland, 28th District; Rogers, 41st District.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-417, Reissue Revised Statutes of Nebraska, 1943; to change appointment procedures 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, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

Messrs. McFarland and Schellpeper asked unanimous consent to have their names added as co-introducers to LB 52. No objections. So ordered.

Messrs. Chambers, Schellpeper, Hefner, Lamb, Hartnett, Mesdames Nelson, and Crosby asked unanimous consent to have their names added as co-introducers to LB 48. No objections. So ordered.

ANNOUNCEMENTS

Mr. R. Johnson announced the Agriculture Committee elected Mr. Elmer as Vice Chairperson.

Mr. Warner announced the Appropriations Committee elected Mr. L. Johnson as Vice Chairperson.

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1989

Speaker of the Legislature
Ninety-first Legislature, First Session (Regular) 1989
State Capitol
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the oaths for the following elected officials, for the terms beginning the fifth day of

January, 1989, and ending as provided by law, are on file in the office of Secretary of State:

Frank E. Landis, Public Service Commissioner, D-1
Duane Gay, Public Service Commissioner, D-3
Margaret Robinson, Regent, University of Nebraska, D-3
Nancy Hoch, Regent, University of Nebraska, D-4
Robert M. Allen, Regent, University of Nebraska, D-5
Rosemary M. Skrupa, Regent, University of Nebraska, D-8
Max D. Larsen, Member, State Board of Education, D-1
James H. Monahan, Member, State Board of Education, D-2
Walter Thompson, Member, State Board of Education, D-3
Helen Greene, Member, State Board of Education, D-4
Mark A. Buchholz, Judge, Nebraska Workers' Compensation Court
Ben Novicoff, Judge, Nebraska Workers' Compensation Court
Paul E. LeClair, Judge, Nebraska Workers' Compensation Court

By law, the terms of the Nebraska Workers' Compensation Court begin January 5, 1989.

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 the required oaths have been filed in the office of Secretary of State, as required by law, by Frank E. Landis and Duane Gay, Public Service Commissioners; Margaret Robinson, Nancy Hoch, Robert M. Allen and Rosemary M. Skrupa, Regents of the University of Nebraska; Max D. Larsen, James H. Monahan, Walter Thompson and Helen Greene, Members of the State Board of Education; Mark A. Buchholz, Ben Novicoff and Paul E. LeClair, Judges of the Nebraska Workers' Compensation Court.

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

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

(SEAL) Allen J. Beermann, Secretary of State

PRAYER

The prayer was offered by Father Dawson, Church of the Risen Christ, Lincoln, Nebraska.

INAUGAURAL CEREMONIES

The Chair appointed a series of committees to escort the various state and constitutional officers to the chamber for the purpose of administering their oaths of office.

Chief Justice William C. Hastings administered the Oath of Office to the newly elected state officials.

The newly elected state officials were escorted from the chamber.

ADJOURNMENT

At 2:14 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Monday, January 9, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 9, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor John Loudon, Eastridge Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford who was excused; and Messrs. Goodrich, Hall, Hartnett, R. Johnson, Kristensen, McFarland, Wehrbein, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 32, line 15, after "Legislature" insert "shall be permitted on the floor of the Legislature".
The Journal for the First Day was approved as corrected.
The Journal for the Second Day was approved.

MOTION - Adopt Rules

Mr. Moore moved that the Rules, as now in our possession, be adopted for today only, Monday, January 9, 1989.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 101.

LB	Committee
1	General File
2	General File
3	General File
4	General File
5	General File
6	General File
7	General File
8	General File
9	General File
10	General File
11	General File
12	General File
13	General File
14	General File
15	General File
16	General File
17	General File
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24	General File
25	General File
26	General File
27	General File
28	General File
29	General File
30	General File
31	General File
32	General File
33	General File
34	General File
35	Agriculture
36	Agriculture
37	Agriculture

38 Agriculture
39 Agriculture
40 Nebraska Retirement Systems
41 Nebraska Retirement Systems
42 Judiciary
43 Natural Resources
44 Judiciary
45 Natural Resources
46 Nebraska Retirement Systems
47 Transportation
48 Health & Human Services
49 Agriculture
50 Judiciary
51 Health & Human Services
52 Natural Resources
53 Urban Affairs
54 Agriculture
55 Government, Military & Veterans Affairs
56 Natural Resources
57 Urban Affairs
58 Transportation
59 Transportation
60 Banking, Commerce & Insurance
61 Banking, Commerce & Insurance
62 General Affairs
63 Revenue
64 Banking, Commerce & Insurance
65 Natural Resources
66 Government, Military & Veterans Affairs
67 Revenue
68 Health & Human Services
69 Education
70 General Affairs
71 Revenue
72 Transportation
73 Judiciary
74 Education
75 Transportation
76 Government, Military & Veterans Affairs
77 Banking, Commerce & Insurance
78 Transportation
79 Transportation
80 Judiciary
81 Natural Resources

82 Judiciary
83 Agriculture
84 Revenue
85 Judiciary
86 Judiciary
87 Judiciary
88 Revenue
89 Education
90 Natural Resources
91 Government, Military & Veterans Affairs
92 Banking, Commerce & Insurance
93 Banking, Commerce & Insurance
94 Banking, Commerce & Insurance
95 Urban Affairs
96 Appropriations
97 Banking, Commerce & Insurance
98 Appropriations
99 Banking, Commerce & Insurance
100 Banking, Commerce & Insurance
101 Transportation

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 58. No objections. So ordered.

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 188. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as co-introducer to LB 187. No objections. So ordered.

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LB 52. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 121. No objections. So ordered.

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 1988 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Natural Resources Commission	
None	
Central Platte	
Cook & Doyle, P.C.	27,283.56
Baylor, Evnen, Curtiss, Grimit & Witt, Attorneys	6,099.63
Little Blue	
Shoemaker & Witt, Attorneys	540.00
Lower Loup	
J. Marvin Weems, Attorney-at-Law, P.C.	2,805.00
Grant, Rogers, & Maul, Attorneys-at-Law	891.08
Lower Platte North	
Sidner, Svoboda, Schilke, Attorneys	4,107.67
Thompson, Holtorf & Boggy, Attorneys	42,428.27
Nemaha	
Steve Seglin	7,826.65
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester, Attorneys	13,484.52

REPORT

Received final report of the Presidential Primary Election Study from the Select Committee on LB 652, 1987, pursuant to Section 32-562.

ANNOUNCEMENT

Mr. Coordsen announced the Business and Labor Committee elected Mrs. Pirsch as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 190. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.05, 79-4,105.01, and 79-1344.02, Revised Statutes Supplement,

1988; to limit the number of votes by a Class III school district for members of a committee; to provide for staggered terms on an advisory committee; to change provisions relating to financial support for certain school districts; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to political subdivisions; to require certain subdivisions of state government to maintain on file an information statement regarding certain organizations or associations which engage in lobbying as prescribed.

LEGISLATIVE BILL 192. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to state intent; and to provide for establishment of a parental involvement plan.

LEGISLATIVE BILL 193. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt from the sales and use tax purchases made by sanitary and improvement districts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Crosby, 29th District; Schimek, 27th District.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend section 19-4019, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the use of available funds; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Conway, 17th District; 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 while under the influence of alcohol; to provide for certain testing procedures as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 196. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to the Truth and Deception Examiner's Act; to amend section 81-1932, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the use of a truth and deception examination as prescribed; and to repeal the original section.

LEGISLATIVE BILL 197. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3509, Reissue Revised Statutes of Nebraska, 1943; to change provisions for eligibility for certain homestead exemptions; and to repeal the original section.

LEGISLATIVE BILL 198. Introduced by Schellpeper, 18th District; McFarland, 28th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1988; to grant a sales tax exemption to the State Board of Agriculture; and to repeal the original section.

LEGISLATIVE BILL 199. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to the Nebraska Soil and Water Conservation Act; to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943; to add a repayment condition as prescribed; and to repeal the original section.

LEGISLATIVE BILL 200. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-514, Reissue Revised Statutes of Nebraska, 1943; to provide penalties for theft as prescribed; and to repeal the original section.

LEGISLATIVE BILL 201. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to operating a motor vehicle to avoid arrest; and to repeal the original section.

MOTION - Election Contest

Mr. Warner renewed his motion found in the Journal on page 34 that the Committee on Credentials elected on Wednesday, January 4, 1989, be appointed to consider the election contest in the 17th legislative district, the committee to have full power to issue subpoenas pursuant to Rule 3, section 20, compelling attendance of and testimony from witnesses -- as well as all books, documents, papers, materials or other information needed to produce a report which shall be presented to the Legislature within 15 calendar days.

The Warner motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

MOTION - Adopt Rules

Mr. Lynch moved to adopt the permanent rules.

Mr. Lynch renewed the proposed rule changes found in the Journal on page 30.

The first rule change is number 1, found in the Journal on pages 30 and 31.

Rule change number 1 was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

The second rule change is number 2, found in the Journal on pages 31 and 32.

Mr. Lamb offered the following amendment to rule change number 2:

to amend in sub-section (c) after the word "chamber" add:
to sit in those specially designated areas located in the rear of the chamber

The Lamb amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Rule change number 2, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The third rule change is number 3, found in the Journal on pages 32 and 33.

Rule change number 3 was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The fourth rule change found in the Journal on page 33 was withdrawn.

Messrs. Moore and Withem offered the following substitute rule change number 4:

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.

<u>After a motion to indefinitely postpone a bill has been offered, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.</u>

Mr. Chambers offered the following amendment to the pending rule change number 4:

to amend amendment 4 by adding the following language after the word "offered":

", and the introducer of the motion has made his or her opening remarks on the motion,"

The Chambers amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Moore requested a roll call vote on rule change number 4, as amended.

Voting in the affirmative, 26:

Abboud	Dierks	Hefner	Moore	Schellpeper
Barrett	Elmer	Johnson, L.	Peterson	Schimek
Beck	Goodrich	Lamb	Pirsch	Smith
Beyer	Haberman	Lindsay	Robak	Wesely
Byars	Hannibal	Lynch	Rogers	Withem
Chizek				

Voting in the negative, 20:

Baack	Coordsen	Korshoj	McFarland	Scofield
Bernard-Stevens	Crosby	Labedz	Morrissey	Warner
	Hall	Landis	Nelson	Wehrbein
Chambers	Johnson, R.	Langford	Schmit	Weihing
Conway				

Excused and not voting, 3:

Ashford	Hartnett	Kristensen

Rule change number 4 substituted by Messrs. Moore and Withem, as amended, was adopted with 26 ayes, 20 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 202. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to intercepted communications; to amend section 86-703, Revised Statutes Supplement, 1988; to provide for the use of intercepted communications during gambling investigations; and to repeal the original section.

LEGISLATIVE BILL 203. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to create the offense of disarming a peace officer; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1322, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disturbing the peace; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 28-431, 28-432, 28-445, and 28-1439.01 to 28-1439.05, Reissue Revised Statutes of Nebraska, 1943, and sections 28-433 and 71-1,147.09, Revised Statutes Supplement, 1988; to authorize the seizure of certain property without a warrant; to provide for the forfeiture and sale of such property; to provide procedures; to provide for disposition of the proceeds; to change provisions relating to membership on the County Drug Law Enforcement Fund Board; to transfer certain sections; to harmonize provisions; and to repeal the original sections, and also sections 28-435 and 28-436, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 206. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to collection agencies; to amend sections 45-606, 45-620, and 45-621, Reissue Revised Statutes of Nebraska, 1943; to provide maximum amounts for certain fees; to provide duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 207. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1988; to change a date as prescribed; and to repeal the original section.

LEGISLATIVE BILL 208. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to dogs; to define terms; 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.

LEGISLATIVE BILL 209. Introduced by Ashford, 6th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to exclude certain telecommunication revenue from the definition of gross receipts; and to repeal the original section.

LEGISLATIVE BILL 210. Introduced by Lynch, 13th District; Chizek, 31st District.

A BILL FOR AN ACT relating to liability; to provide immunity from civil liability for certain physicians as prescribed.

LEGISLATIVE BILL 211. Introduced by Langford, 36th District; Bernard-Stevens, 42nd District; Smith, 33rd District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Reissue Revised Statutes of Nebraska, 1943; to change the statute of limitations for sexual assault of a child; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to private investigators; to amend sections 9-221 and 11-201, Reissue Revised Statutes of Nebraska, 1943; to adopt the Private Investigation Act; to eliminate provisions relating to private detectives; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 71-3201 to 71-3204, 71-3206 to 71-3210, 71-3212, and 71-3213, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3205 and 71-3211, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 213. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-918, Reissue Revised Statutes of Nebraska, 1943, and section 84-917, Revised Statutes Supplement, 1988; to change provisions relating to the standard of review of agency decisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 214. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to state intent; to require the Director of Insurance to report on the property and casualty insurance industry; to provide the contents of such report; to provide for certification of loss reserves of property and casualty insurers as prescribed; to provide that policyholders and the director have access to certain information as prescribed; to provide for rules and regulations; to eliminate provisions relating to product liability insurance; and to repeal sections 44-3,124, 44-3,125, and 44-3,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 215. Introduced by Schimek, 27th District.

A BILL FOR AN ACT relating to explosives; to amend sections 28-1216, 28-1218, 28-1225, 28-1226, 28-1229 to 28-1232, 28-1234 to 28-1235.01, 28-1238, 28-1252, and 81-502, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1213, 28-1215, 28-1217, and 28-1236, Revised Statutes Supplement, 1988; to provide powers and duties for the Nebraska State Patrol; to eliminate powers and duties of the State Fire Marshal; to change the term of storage permits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to cities of the first class; to extend the jurisdiction of cities of the first class to prevent pollution as prescribed.

LEGISLATIVE BILL 217. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to public buildings and improvements; to amend sections 18-2445, 52-118 to 52-118.02, and

70-641, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of letters of credit and cash deposits in lieu of bonds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 218. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to arrest; to amend section 29-404.02, Reissue Revised Statutes of Nebraska, 1943; to provide for warrantless arrests for offenses involving household members; to define a term; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1988; to create the offense of criminal child enticement; to provide exceptions; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 220. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262, Revised Statutes Supplement, 1988; to authorize the use of electronic surveillance devices or systems for certain crimes; and to repeal the original section.

LEGISLATIVE BILL 221. Introduced by Weihing, 48th District; Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-4214, 2-4724, 58-240, 58-320, 58-413, and 77-2341, Reissue Revised Statutes of Nebraska, 1943; to change permissible types of investments for cities and villages as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-574 and 60-578, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to the maximum liability for underinsured motorist coverage; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 223. Introduced by Peterson, 21st District; Beyer, 3rd District; Rogers, 41st District; Abboud, 12th District; Lamb, 43rd District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Legislature; to require that every bill or appropriation returned by the Governor to the Legislature for reconsideration be voted upon separately; and to declare an emergency.

LEGISLATIVE BILL 224. Introduced by McFarland, 28th District; Chizek, 31st 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.

LEGISLATIVE BILL 225. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-902, Reissue Revised Statutes of Nebraska, 1943; to authorize the attachment of certain property to a Class IV school district as prescribed; to provide a procedure; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to define terms; to establish the Unicameral Scholars Academy; to create an advisory board; to provide powers and duties for the academy, the advisory board, and the State Department of Education; and to provide for rules and regulations.

LEGISLATIVE BILL 227. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-669.27, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the revocation of drivers' licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 228. Introduced by McFarland, 28th District.

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

LEGISLATIVE BILL 229. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to court records; to amend sections 24-555 and 43-113, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to probate and adoption records; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to forcible entry and detainer actions; to amend section 24-573, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the summons; to provide a trial date; and to repeal the original section.

LEGISLATIVE BILL 231. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to adoption of children; to amend sections 43-107 and 43-109, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption for a medical history requirement; to eliminate the requirement of filing a medical history prior to entry of a decree; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to county courts; to eliminate provisions relating to the return of process, the filing of pleadings, and the time for trial; and to repeal section 24-535, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 233. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to fees; to amend sections 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.04, 33-126.05, 33-126.06, and 81-1429, Reissue Revised Statutes of Nebraska, 1943, and section 24-703, Revised Statutes Supplement, 1988; to change provisions relating to judges retirement fees; to change provisions relating to county court fees for criminal and civil matters, probate, guardianships, conservatorships, custodians, inheritance tax proceedings, and other proceedings as prescribed; to eliminate a provision relating to fees for testamentary trusts; to harmonize provisions; and to repeal the original sections, and also section 33-126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 234. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to courts; to amend section 33-138, Reissue Revised Statutes of Nebraska, 1943; to increase daily juror fees; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716, Revised Statutes Supplement, 1988; to change a provision relating to income tax adjustments; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 236. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1803 and 77-1804, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the description of lands for tax sales; to increase an assessment for publication charges as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 237. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1044.01, 79-1046, 79-1051, 79-1051.06, 79-1056, and 79-1056.06, Reissue Revised Statutes of Nebraska, 1943, and section 79-1032, Revised Statutes Supplement, 1988; to increase retirement benefits as prescribed; to provide additional options for annuities; to increase employee contributions; to provide a cost-of-living adjustment; to eliminate provisions relating to authorized investments; to harmonize provisions; to repeal the original sections, and also sections 79-1051.03 and 79-1051.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 238. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1229 and 48-1231, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change a provision relating to claims for the nonpayment of wages; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Hall, 7th District; Chizek, 31st District.

A BILL FOR AN ACT relating to child and dependent care; to amend section 77-2715.07, Revised Statutes Supplement, 1988; to provide an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to parking; to amend section 18-1739, Reissue Revised Statutes of Nebraska, 1943; to change the size of and provide construction requirements for permits issued for handicapped or disabled persons; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 38	Tuesday, January 17, 1989	1:30 p.m.
LB 35	Tuesday, January 17, 1989	1:30 p.m.
LB 36	Tuesday, January 17, 1989	1:30 p.m.

(Signed) Rod Johnson, Chairperson

ANNOUNCEMENT

Mr. Hannibal announced the Intergovernmental Cooperation Committee elected Mr. Conway as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 3. Introduced by Baack, 47th District; Barrett, 39th District; Hefner, 19th District; Abboud, 12th District; Lamb, 43rd District; Warner, 25th District; Schmit, 23rd District; Labedz, 5th District; Goodrich, 20th District; Scofield, 49th District; Pirsch, 10th District; L. Johnson, 15th District; Peterson, 21st District; R. Johnson, 34th District; Moore, 24th District; Elmer, 38th District; Hannibal, 4th District; Haberman, 44th District; Beyer, 3rd District; Withem, 14th District.

WHEREAS, Robert L. Clark served the State of Nebraska as a member of the Legislature for sixteen years before retiring in January 1985; and

WHEREAS, Senator Clark was involved in regional activities and was selected Chairman of the Midwestern Conference of the Council of State Governments; and

WHEREAS, Senator Clark's support for his local community was evidenced by his membership on the Sidney City Council for five years, his active duty as a volunteer firefighter, and his participation on many boards and committees; and

WHEREAS, Senator Clark died on Thursday, December 1, 1988; and

WHEREAS, the contributions Robert Clark gave to his community and the State of Nebraska will be remembered; and

WHEREAS, Senator Clark is survived by his wife, Lois, his son, Robert A., and his daughter, Carol.

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

1. That the members of the Legislature express their deepest sympathy to the family of Senator Robert Clark.

2. That a copy of this resolution be presented to the family of Senator Clark.

Laid over.

MOTION - Withdraw LB 112

Mrs. Smith moved to withdraw LB 112.

Laid over.

MOTION - Adopt Rules

The Lynch pending motion found in this day's Journal to adopt the permanent rules was renewed.

The fifth rule change is number 5, found in the Journal on pages 33 and 34.

Mr. Moore offered the following amendment to rule change number 5:

to amend the amendment to Rule 7 adding a new section 10, add "principal" in line 1, after "the" and before "introducer".

In line 8, after "such" and before "introducer" add "principal".

Mr. Moore moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The Moore amendment was adopted with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to rule change number 5:

Strike the last sentence of the Committee amendment (on p. 34).

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 record vote on his amendment.

Voting in the affirmative, 18:

Baack	Conway	Johnson, R.	Morrissey	Scofield
Bernard-Stevens	Crosby	Korshoj	Pirsch	Smith
Chambers	Haberman	Lindsay	Rogers	Wesely
	Johnson, L.	McFarland	Schimek	

Voting in the negative, 25:

Abboud	Coordsen	Hefner	Langford	Robak
Beck	Dierks	Kristensen	Lynch	Schellpeper
Beyer	Elmer	Labedz	Moore	Wehrbein
Byars	Hall	Lamb	Nelson	Weihing
Chizek	Hannibal	Landis	Peterson	Withem

Present and not voting, 4:

Barrett	Goodrich	Schmit	Warner

Excused and not voting, 2:

Ashford	Hartnett

The Chambers amendment lost with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to rule change number 5:

In second-from-last sentence, strike all language after "order" and insert, "on the same day."

Messrs. Abboud and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Baack	Chambers	Hartnett	Labedz	McFarland
Bernard-Stevens	Conway	Johnson, R.	Landis	Morrissey
	Haberman	Korshoj	Lindsay	Wesely

Voting in the negative, 26:

Abboud	Crosby	Johnson, L.	Moore	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Beck	Elmer	Lamb	Pirsch	Warner
Beyer	Goodrich	Langford	Schellpeper	Wehrbein
Byars	Hefner	Lynch	Schmit	Weihing
Coordsen				

Present and not voting, 7:

Chizek	Hannibal	Rogers	Schimek	Withem
Hall	Robak			

Excused and not voting, 2:

Ashford	Peterson

The Chambers amendment lost with 14 ayes, 26 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to rule change number 5:

Strike the third-from-the-last sentence.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 11:

Baack	Haberman	Hartnett	Korshoj	Morrissey
Chambers	Hannibal	Johnson, R.	Landis	Smith
Conway				

Voting in the negative, 17:

Abboud	Goodrich	Kristensen	Lynch	Schimek
Byars	Hall	Lamb	Moore	Wehrbein
Crosby	Hefner	Langford	Pirsch	Wesely
Elmer	Johnson, L.			

Present and not voting, 18:

Barrett	Beyer	Labedz	Robak	Scofield
Beck	Chizek	Lindsay	Rogers	Warner
Bernard-Stevens	Coordsen	McFarland	Schellpeper	Weihing
	Dierks	Nelson	Schmit	

Excused and not voting, 3:

Ashford	Peterson	Withem

The Chambers amendment lost with 11 ayes, 17 nays, 18 present and not voting, and 3 excused and not voting.

The Lynch motion to adopt permanent rules is pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 241. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to petitions; to amend sections 32-705 and 32-1403, Reissue Revised Statutes of Nebraska, 1943; to

remove restrictions on hiring or paying circulators of petitions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943, and section 79-1043, Revised Statutes Supplement, 1988; to authorize prior service credit for certain military service by teachers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 243. Introduced by Labedz, 5th District; Hall, 7th District; Lindsay, 9th District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 1988; to provide for the offense of enticing a child; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to standard codes; to amend section 18-132, Reissue Revised Statutes of Nebraska, 1943; to authorize a penalty for failure to have a license or permit as prescribed; to provide for collection of the penalty; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to the State Highway Commission; to amend sections 39-1101, 39-1103, and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to change membership on the commission; to change commission districts; to harmonize provisions; and to repeal the original sections; and also section 39-1102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 246. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-221, 60-302, and 60-402, Reissue Revised Statutes of Nebraska, 1943; to authorize voter registration when registering a motor vehicle or obtaining an operator's license as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to postsecondary education; to state intent; to create a commission; to require a study of public postsecondary education; and to appropriate funds.

LEGISLATIVE BILL 248. Introduced by Withem, 14th District; Landis, 46th District; Hefner, 19th District; L. Johnson, 15th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to authorize the suspension of driving privileges for certain juveniles as prescribed.

LEGISLATIVE BILL 249. Introduced by Abboud, 12th District; Hefner, 19th District; Peterson, 21st District; Beck, 8th District.

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

LEGISLATIVE BILL 250. Introduced by Hall, 7th District; Withem, 14th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.04, Revised Statutes Supplement, 1988; to define a term; to require competency in human relations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 251. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Weihing, 48th District; Smith, 33rd District; Beck, 8th District; Elmer, 38th District; Morrissey, 1st District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize the creation of the Nebraska Natural Areas Register; to provide criteria; to provide procedures; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to retirement; to amend sections 81-2014, 81-2015, 81-2017 to 81-2019, 81-2025 to 81-2029, 81-2031, and 81-2034, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the retirement system for Nebraska State Patrol officers; to define terms; to rename the system and a fund; to increase contributions as prescribed; to provide requirements for rules and regulations; to change provisions relating to the payment of benefits; to provide for adjustment of benefits; to authorize enrollment by officers in the state group health insurance program as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 253. Introduced by Withem, 14th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to elections; to amend section 32-537, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to nonpartisan primary elections as prescribed; and to repeal the original section.

LEGISLATIVE BILL 254. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Coordsen, 32nd District; Korshoj, 16th District; Robak, 22nd District; Conway, 17th District; Bernard-Stevens, 42nd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to acquisition of property; to amend section 18-2154, Reissue Revised Statutes of Nebraska, 1943; to adopt the Relocation Assistance Act; to require certain awards in condemnation proceedings; to eliminate provisions relating to acquisition of property for publicly financed projects; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 76-1201 to 76-1211 and 76-1213, Reissue Revised Statutes of Nebraska, 1943, and section 76-1212, Revised Statutes Supplement, 1988; and to declare an emergency.

LEGISLATIVE BILL 255. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Robak, 22nd District; Korshoj, 16th District; Coordsen, 32nd District; Conway, 17th District; Withem, 14th District; Bernard-Stevens, 42nd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1117.01, Reissue Revised Statutes of

Nebraska, 1943; to change provisions relating to the preparation and payment of payrolls; and to repeal the original section.

LEGISLATIVE BILL 256. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Robak, 22nd District; Korshoj, 16th District; Coordsen, 32nd District; Conway, 17th District; Withem, 14th District; Bernard-Stevens, 42nd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1118.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the annual inventory of state property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 257. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118 to 52-118.02, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, 1943; to change bonding requirements for projects of the state or departments and agencies thereof; to provide requirements for the erection, repair, and improvement of state buildings; and to repeal the original sections.

LEGISLATIVE BILL 258. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Korshoj, 16th District; Coordsen, 32nd District; Conway, 17th District; Withem, 14th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-432.01, 37-439, 39-2215, 66-421, 66-467.01, 66-479, 66-605, and 77-2791, Reissue Revised Statutes of Nebraska, 1943, and sections 66-473, 66-605.02, 77-27,132, and 77-4025, Revised Statutes Supplement, 1988; to eliminate the Tax Refund Fund; to provide for payments and transfers of refunds from the General Fund; to create the Revenue Distribution Fund; to provide for the transfer of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 259. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.17, and 79-490, Reissue Revised Statutes of Nebraska, 1943, and sections 79-426.08, 79-4,105.01, and 79-4,158.01, Revised Statutes

Supplement, 1988; to state intent; to define and redefine terms; to provide authority for, a method for, and a procedure for Class I school districts to affiliate with other school districts; to provide duties for the county committee for school district reorganization; to change provisions relating to bonded indebtedness and authorize issuance of bonds as prescribed; to provide for a levy and the computation thereof; to provide for eligibility for state aid for certain students in an affiliated school system; to change provisions for transportation of certain students; to provide for a hearing; to provide penalties; to change provisions relating to advisory committee members; to provide for revival of certain statutes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 260. Introduced by Conway, 17th District; Baack, 47th District; Schmit, 23rd 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 261. Introduced by Kristensen, 37th District; Robak, 22nd District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-186, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the location of certain hearings; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 262. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to tourism; to amend section 81-1254, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1245, 81-1251, 81-1255, and 81-1258, Revised Statutes Supplement, 1988; to authorize an increase in the hotel occupancy tax as prescribed; to authorize the creation of the County Visitors Improvement Fund; to provide uses for such fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,109 and 81-8,126, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an exemption for engineers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Conway, 17th District; Chizek, 31st 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 265. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to child support referees; to state intent; to provide for appointment and removal; to provide offices, staff, equipment, furnishings, and supplies; to provide powers and duties; to provide procedures; to eliminate provisions regarding child support referees; and to repeal sections 43-1601 to 43-1607, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 266. Introduced by Conway, 17th District; Byars, 30th District.

A BILL FOR AN ACT relating to public lands and buildings; to require display of POW/MIA flags under certain conditions.

ANNOUNCEMENT

Mr. Lynch announced that the Rules Committee has elected Mr. Rogers as Vice Chairperson.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 90. No objections. So ordered.

Mrs. Smith and Mr. Hartnett asked unanimous consent to have their names added as co-introducers to LB 58. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 102. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 141. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 140. No objections. So ordered.

ANNOUNCEMENT

Mr. Baack announced the Government, Military and Veterans Affairs Committee elected Mr. Bernard-Stevens as Vice Chairperson.

Mr. Schmit announced the Natural Resources Committee elected Mr. Lamb as Vice Chairperson.

RECESS

At 11:54 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., Speaker Barrett, presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Landis who were excused; and Messrs. Abboud, Conway, Haberman, R. Johnson, Korshoj, Lamb, Rogers, Mesdames Labedz, Pirsch, and Robak who were excused until they arrive.

ANNOUNCEMENTS

Mr. Landis announced the Banking, Commerce & Insurance Committee elected Mr. Conway as Vice Chairperson.

Mr. Chizek announced the Judiciary Committee elected Mr. McFarland as Vice Chairperson.

Mr. Hall announced the Revenue Committee elected Mr. Hefner as Vice Chairperson.

MOTION - Adopt Rules

The Lynch pending motion to adopt permanent rules was renewed.

Mr. Chambers offered the following amendment to rule change number 5:

Add: "Rule 7, section 10 shall be known as the "Maybe-we-can't-fence-Ernie-Chambers-in-but-by-The-Eternal-we-will-try! rule".

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers	Langford

Voting in the negative, 19:

Beck	Crosby	Johnson, L.	Morrissey	Weihing
Beyer	Dierks	Kristensen	Nelson	Wesely
Byars	Hall	Lindsay	Warner	Withem
Chizek	Hefner	Moore	Wehrbein	

Present and not voting, 16:

Baack	Coordsen	Hartnett	Peterson	Schmit
Barrett	Elmer	Lynch	Schellpeper	Scofield
Bernard-Stevens	Goodrich	McFarland	Schimek	Smith
	Hannibal			

Excused and not voting, 12:

Abboud	Haberman	Labedz	Landis	Robak
Ashford	Johnson, R.	Lamb	Pirsch	Rogers
Conway	Korshoj			

The Chambers amendment lost with 2 ayes, 19 nays, 16 present and not voting, and 12 excused and not voting.

Mr. Moore requested a record vote on the motion to adopt rule change number 5.

Voting in the affirmative, 13:

Abboud	Chizek	Hefner	Moore	Wehrbein
Beck	Elmer	Langford	Pirsch	Withem
Byars	Goodrich	Lynch		

Voting in the negative, 30:

Baack	Coordsen	Hartnett	Morrissey	Schmit
Barrett	Crosby	Johnson, L.	Nelson	Scofield
Bernard-Stevens	Dierks	Johnson, R.	Robak	Smith
	Haberman	Kristensen	Rogers	Warner
Beyer	Hall	Labedz	Schellpeper	Weihing
Chambers	Hannibal	Lindsay	Schimek	Wesely
Conway				

Present and not voting, 2:

McFarland Peterson

Excused and not voting, 4:

Ashford Korshoj Lamb Landis

Rule change number 5, as amended, lost with 13 ayes, 30 nays, 2 present and not voting, and 4 excused and not voting.

The Lynch motion to adopt permanent rules, as amended, was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 2:01 p.m. until 2:53 p.m.

REPORT OF THE EXECUTIVE BOARD

The Executive Board of the Legislative Council has nominated and elected the following senators to these special committees:

Building Maintenance
Gerald A. Conway - Chairperson
Emil E. Beyer, Jr.

Frank Korshoj
Arlene Nelson
Sandra K. Scofield
Jerome Warner

Education Commission of the States
Dennis Baack
Merton L. Dierks
Ron Withem

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Speaker Barrett announced a meeting of the Committee Chairpersons will be held on Wednesday, January 11 at 8:15 a.m. in Room 1517.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 102 through 237.

LB	Committee
102	Judiciary
103	Revenue
104	Revenue
105	Banking, Commerce & Insurance
106	Urban Affairs
107	Education
108	Judiciary
109	Judiciary
110	Judiciary
111	Judiciary
112	Transportation
113	Natural Resources
114	Transportation
115	Transportation
116	Judiciary
117	Agriculture
118	Appropriations
119	Natural Resources
120	Agriculture

121	Natural Resources
122	Transportation
123	Urban Affairs
124	Government, Military & Veterans Affairs
125	Urban Affairs
126	Banking, Commerce & Insurance
127	Natural Resources
128	Transportation
129	Transportation
130	Transportation
131	Transportation
132	Natural Resources
133	Revenue
134	Education
135	Government, Military & Veterans Affairs
136	Government, Military & Veterans Affairs
137	Nebraska Retirement Systems
138	Judiciary
139	Government, Military & Veterans Affairs
140	Education
141	Transportation
142	Transportation
143	Education
144	Education
145	Nebraska Retirement Systems
146	Transportation
147	Judiciary
148	Nebraska Retirement Systems
149	Government, Military & Veterans Affairs
150	Urban Affairs
151	Government, Military & Veterans Affairs
152	Transportation
153	General Affairs
154	General Affairs
155	Transportation
156	Transportation
157	Health & Human Services
158	Transportation
159	Judiciary
160	Education
161	Agriculture
162	Agriculture
163	Natural Resources
164	Government, Military & Veterans Affairs

165	Government, Military & Veterans Affairs
166	Natural Resources
167	Natural Resources
168	Natural Resources
169	Natural Resources
170	Natural Resources
171	Natural Resources
172	Natural Resources
173	Urban Affairs
174	Education
175	Business & Labor
176	Business & Labor
177	Government, Military & Veterans Affairs
178	Judiciary
179	Judiciary
180	Education
181	Revenue
182	Judiciary
183	Education
184	Natural Resources
185	Natural Resources
186	Transportation
187	Health & Human Services
188	Education
189	Government, Military & Veterans Affairs
190	Education
191	Government, Military & Veterans Affairs
192	Education
193	Revenue
194	Urban Affairs
195	Natural Resources
196	Government, Military & Veterans Affairs
197	Revenue
198	Revenue
199	Natural Resources
200	Judiciary
201	Judiciary
202	Judiciary
203	Judiciary
204	Judiciary
205	Judiciary
206	Government, Military & Veterans Affairs
207	Banking, Commerce & Insurance
208	Judiciary

209	Revenue
210	Judiciary
211	Judiciary
212	Government, Military & Veterans Affairs
213	Government, Military & Veterans Affairs
214	Banking, Commerce & Insurance
215	Judiciary
216	Urban Affairs
217	Government, Military & Veterans Affairs
218	Judiciary
219	Judiciary
220	Judiciary
221	Banking, Commerce & Insurance
222	Banking, Commerce & Insurance
223	Government, Military & Veterans Affairs
224	Judiciary
225	Urban Affairs
226	Education
227	Transportation
228	Education
229	Judiciary
230	Judiciary
231	Health & Human Services
232	Judiciary
233	Judiciary
234	Judiciary
235	Revenue
236	Revenue
237	Nebraska Retirement Systems

LR	**Committee**
1	Government, Military & Veterans Affairs
2CA	Revenue

(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 267. Introduced by Abboud, 12th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to search warrants; to amend section 29-814.04, Reissue Revised Statutes of Nebraska, 1943; to define the term daytime; and to repeal the original section.

LEGISLATIVE BILL 268. Introduced by Baack, 47th District; Schellpeper, 18th District; Schmit, 23rd District, Coordsen, 32nd District; Smith, 33rd District; Morrissey, 1st District; Scofield, 49th District; Haberman, 44th District; Nelson, 35th District; Elmer, 38th District; Bernard-Stevens, 42nd District; Moore, 24th District; R. Johnson, 34th District; Hefner, 19th District; Lamb, 43rd District; Conway, 17th District.

A BILL FOR AN ACT relating to the medical education residency program; to state intent; and to appropriate funds.

LEGISLATIVE BILL 269. Introduced by Wehrbein, 2nd 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 270. Introduced by Schmit, 23rd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3254 and 2-3255, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to time of filing of protests to an improvement project as prescribed; to change the appeal time from an order of the board of directors of a natural resources district; and to repeal the original sections.

LEGISLATIVE BILL 271. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend sections 70-601, 70-610, 70-615, and 70-619, Reissue Revised Statutes of Nebraska, 1943; to provide representation for certain counties on boards of directors as

prescribed; to provide for elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-101.04 and 45-190, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exceptions to the maximum interest rate; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to ambulances; to amend section 71-5108, Revised Statutes Supplement, 1988; to change a requirement for transportation services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 274. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change the calculation for equalization aid as prescribed; and to repeal the original section.

LEGISLATIVE BILL 275. Introduced by Withem, 14th District; Bernard-Stevens, 42nd District; Smith, 33rd District; Korshoj, 16th District; Nelson, 35th District; Chizek, 31st District; Lamb, 43rd District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to create a property tax relief fund; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to counties; to amend sections 23-1514 and 33-112, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to requirements in documents and instruments filed in the register of deeds office; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Revised Statutes Supplement, 1988; to provide for the Tax Commissioner to enter into an agreement with the United States Office of Personnel Management to withhold income tax on certain federal annuity payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 278. Introduced by Elmer, 38th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-310, Uniform Commercial Code; to change a provision relating to the priority of certain liens; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 4. Introduced by Bernard-Stevens, 42nd District.

WHEREAS, Willard D. Kuhlmann and Jennette M. Kuhlmann have conveyed to the Nebraska Game and Parks Foundation property located in Lincoln County, Nebraska, holding great development potential as an addition to the Buffalo Bill Scout's Rest Ranch State Historical Park for camping, hiking, scenic experiences, and related outdoor recreation activities, and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission of all of the real estate described as follows:

All of Lot 24 and all of Lot 25 of Cody Land and Cattle Company Subdivision of Scout's Rest Ranch, in Section 20, all in Township 14 North of Range 30 West of the 6th P.M., in Lincoln County, Nebraska, together with any accretion lands north of Lots 24 and 25

belonging to said Lots 24 and 25 including, but not limited to, and as well as, those conveyed by a deed from Madge G. Scott to Emmett P. Kuhlmann and Willard E. Kuhlmann under date of September 13, 1954 and which deed was duly recorded in Deed Record Book No. 116 at Page 211 thereof, in the Office of the County Recorder of Lincoln County, Nebraska. It is understood that this description shall include those lands outlined in yellow on the Plat which is attached hereto as Exhibit "A" and incorporated herein by reference, containing approximately 233 acres, more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Buffalo Bill Scout's Rest Ranch.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation

LB 58	Tuesday, January 17, 1989	1:30 p.m.
LB 79	Tuesday, January 17, 1989	1:30 p.m.
LB 142	Tuesday, January 17, 1989	1:30 p.m.
LB 156	Tuesday, January 17, 1989	1:30 p.m.
LB 158	Tuesday, January 17, 1989	1:30 p.m.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Robak asked unanimous consent to have her name added as co-introducer to LB 275. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 50. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 279. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2002 and 44-2006, Reissue Revised Statutes of Nebraska, 1943; to change certificate of authority requirements; to change a fee for docketing certain foreign decrees; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 60	Tuesday, January 17, 1989	1:30 p.m.
LB 94	Tuesday, January 17, 1989	1:30 p.m.
LB 97	Tuesday, January 17, 1989	1:30 p.m.
LB 126	Tuesday, January 17, 1989	1:30 p.m.
LB 207	Tuesday, January 17, 1989	1:30 p.m.

(Signed) David M. Landis, Chairperson

ADJOURNMENT

At 3:03 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Tuesday, January 10, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 10, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Dan Davis, Association Regional Minister, Christian Churches of Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Hartnett who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hall, Landis, McFarland, Morrissey, Schmit, Warner, Mrs. Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ANNOUNCEMENT

Mr. Warner announced the Credentials Committee, which has been appointed to consider the election contest in the 17th legislative district, will meet Wednesday, January 11, 1989, in Room 1019 at 3:00 p.m.

REPORTS

Received semi-annual report of Wastewater Construction Grants, Program #518, from the Department of Environmental Control in accordance with Section 81-1533.

Received annual report from the Nebraska Public Service Commission.

Received audit reports from the Auditor of Public Accounts for the following agencies: Department of Public Institutions, Kearney State College A-110, Nebraska State Patrol, Department of Justice, Mexican American Commission, Nebraska Arts Council, Department of Banking and Finance, Board of Barber Examiners, Commission of Industrial Relations, Nebraska Educational Telecommunications Commission, Nebraska Supreme Court, Foster Care Review Board, Nebraska Liquor Control Commission, Peru State College A-110, Chadron State College A-110, Kearney State College, Chadron State College, Wayne State College, and Peru State College.

COMMUNICATION

January 9, 1989

Senator Jerome Warner, Chairperson
Special Committee
1000 State Capitol Building
Lincoln, NE 68509

Dear Senator Warner:

Pursuant to 32-1001.31, the contestant--Mr. Tore Nelson--has filed with me as Clerk of the Legislature a bank money order in the amount of $10,00.00. That money order has been filed with me to satisfy, as I understand it, the requirement of a bond with security in an amount to be approved by the Clerk of the Legislature. Said bond is to pay all costs in case the election is confirmed.

I stand ready to answer any questions you or your committee may have.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell

Clerk of the Legislature

PJO:r

NOTICE OF COMMITTEE HEARING
Judiciary

LB 229	Thursday, January 19, 1989	1:30 p.m.
LB 230	Thursday, January 19, 1989	1:30 p.m.
LB 232	Thursday, January 19, 1989	1:30 p.m.
LB 233	Thursday, January 19, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read. Considered.

LR 3 was adopted with 31 ayes, 0 nays, and 18 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 280. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1401.02, 60-1407.01, 60-1411.03, 60-1411.04, 60-1420, 60-1429, 60-1430, and 60-1440, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change a provision relating to license applications; to prohibit motor vehicle dealers from committing certain acts relating to advertising; to change provisions relating to the termination of a motor vehicle franchise as prescribed; to change provisions relating to the sale or transfer of a motor vehicle franchise; to provide for the payment of costs upon the termination, cancellation, or noncontinuation of a franchise as prescribed; to change a provision relating to actions for damages and relief; to provide duties for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 281. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District;

Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-669.27, Reissue Revised Statutes of Nebraska, 1943; to provide requirements for records or reports of convictions received from other states; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1988; to adopt 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.

LEGISLATIVE BILL 283. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,138, 60-301, 60-305.01, 60-305.09, 60-330, and 60-334, Reissue Revised Statutes of Nebraska, 1943; to define, redefine, and eliminate terms; to provide for registration of certain vehicles by nonresident owners; to change the fund to which certain payments are credited; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-401, 60-402, 60-406.04, 60-407, 60-411, 60-411.01, 60-415, and 60-417, Reissue Revised Statutes of Nebraska, 1943; 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 to 23-396, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 285. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend sections 39-602, 39-668, 39-669.27, 39-669.28, 39-669.30, 39-669.34. 39-669.35, 39-669.37, 39-6,106.01, 39-6,122, 39-6,192, 60-305.09, 60-403, 60-403.01, 60-403.03 to 60-403.05, 60-404, 60-405, 60-406, 60-406.01, 60-406.03, 60-406.04, 60-406.06, 60-406.08, 60-407, 60-408, 60-409, 60-409.05 to 60-409.11, 60-409.13 to 60-427.01, 60-429, 60-430, 60-430.01, 60-430.05, 60-430.06, 60-557, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2131, 60-2132, 60-2802, 71-4804, 79-328, and 79-488.06, Reissue Revised Statutes of Nebraska, 1943, and section 75-363, Revised Statutes Supplement, 1988; to reorganize the Motor Vehicle Operator's License Act; to define and redefine terms; to change the names of certain permits; to change and provide penalties; to provide licensure, examination, and discipline of operators of commercial motor vehicles as prescribed; to change provisions relating to licensure of operators of school vehicles; to provide fees; to provide notification requirements; to provide duties; to harmonize provisions; to eliminate existing definitions and licensure of operators of commercial motor vehicles; to provide operative dates; to repeal the original sections, and also sections 39-6,113, 60-401, 60-402, and 60-403.06 to 60-403.10, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 286. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-508, Reissue Revised Statutes of Nebraska, 1943; to exempt irrigation districts from filing a copy of their budget statements with the Auditor of Public Accounts as prescribed; to require irrigation districts to maintain a copy of their budget statements; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Haberman, 44th 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 288. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to labor; to amend sections 48-818, 81-1382, and 81-1383, Reissue Revised Statutes of Nebraska, 1943; to permit the Commission of Industrial Relations to consider items as prescribed in cases involving municipal employees; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 3. 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 4. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 7. Mrs. Labedz moved to indefinitely postpone.

The Labedz motion to indefinitely postpone prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 16. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 17. 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.

ANNOUNCEMENT

Mr. Haberman announced the Nebraska Retirement Systems Committee elected Mr. Schellpeper as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 289. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to petroleum releases; to amend section 81-15,124, Reissue Revised Statutes of Nebraska, 1943; to adopt the Petroleum Release Remedial Action Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 290. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to foster care; to amend section 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section 71-1902, Revised Statutes Supplement, 1988; to require training in foster care as prescribed; to provide for the use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to official oaths and bonds; to amend sections 11-101, 11-103, 11-105, 11-107, 11-111, 11-112, 11-113, 11-117, 11-121, 11-125, 11-127, 22-413, 23-214, 23-215, 23-1204.04, 23-1204.05, 23-1616, 23-1720, 39-1507, 51-311, 60-302.01, 80-101, 80-408, 84-801, and 86-406, Reissue Revised Statutes of Nebraska, 1943, and sections 2-954, 11-119, and 77-401, Revised Statutes Supplement, 1988; to require blanket bonding for county officers and employees as prescribed; to harmonize provisions; to repeal the original sections, and also sections 11-109, 11-123, and 11-126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 292. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3509, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3508, 77-3513, and 77-3514, Revised Statutes Supplement, 1988; to change provisions relating to the exemption for certain veterans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to permits to hunt and fish; to amend section 37-214.03, Reissue Revised Statutes of Nebraska, 1943; to exempt disabled veterans from the payment of fees for hunting or fishing permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 294. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to disabled veterans; to amend section 77-202.24, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to property tax exemptions for blind or disabled veterans; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4513 and 44-4515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to restrictions on insurance policies; to change a provision relating to a policyholder's right to return a policy; and to repeal the original sections.

LEGISLATIVE BILL 296. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-132.01, Reissue Revised Statutes of Nebraska, 1943; to change the time period allowed for the amortization of loan losses; and to repeal the original section.

LEGISLATIVE BILL 297. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-201, 44-202, 44-203, 44-214, 44-219, 44-242, 44-244, 44-246, 44-379, 44-401, 44-1203, 44-1402, 44-1444, 44-2402, and 44-3501, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lines of insurance; to harmonize provisions; and to repeal the original sections, and also section 44-203.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 298. Introduced by Barrett, 39th District; Warner, 25th District.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-141, Reissue Revised Statutes of Nebraska, 1943; to increase the rate for publication of legal notices; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Conway, 17th District.

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

LEGISLATIVE BILL 300. 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 the qualifications of the Director of Health; and to repeal the original section.

MOTION - Escort Governor

Mr. Hefner moved that a committee of five be appointed to escort the Governor to the Legislative Chamber to deliver her State of the State and Budget Message.

The motion prevailed.

The Chair appointed Messrs. Abboud, McFarland, L. Johnson, Beyer, and Ms. Schimek to serve on said committee.

The committee returned and escorted Governor Kay A. 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, distinguished guests, and my fellow Nebraskans:

I appreciated the opportunity to be with you last Wednesday and to greet you on your return for the 1989 session of the Legislature.

As I observed then, your presence produces a sense of excitement and energy that pervades this entire Capitol.

I am looking forward to a productive session, building on the considerable accomplishments we have recorded in each of the past two years; to renewing old friendships and to establishing new ones. So again, I'm pleased to say to each of you: "Welcome back."

It is my privilege today to report to you on the State of the State and present a budget for the operations of state government over the next biennium.

And in so doing we have to carefully examine the many roles of state government - and the most important role we have is to listen to the voices of all the people.

Father Val Peter, Executive Director of Boys Town in Omaha, perhaps captured this best when he said: "Any one can sit and look at the seashore and be inspired because it shouts at you. So do the mountains. But the prairie only whispers. You must listen closely and never miss the message."

At times in state government it would be easy for us to hear only the seashore and the mountains...the special interest groups and the power structures, but it is clear that we must listen also to the whispers of the prairie...to the young families, the grandparents, the small business owners, the wage earners, and our children because they all have a part in setting the course to keep Nebraska on the move.

The past months have been a time to listen to the concerns, hear the suggestions, and...yes...see the visions that come from the people who live on the prairie.

With the directors of many state agencies I have traveled far across our state--to the familiar gathering spots of rural Nebraska to the

think-tanks of urban industrialized areas--to the volunteer service clubs in the smallest of Nebraska communities--to the company presidents who serve on our chamber boards and development groups. We've had the opportunity to listen to the people from all walks of life in their home town settings--to hear the whispers of the prairie from a proud people, fiercely loyal Nebraskans who want the best for the future of their communities. These gatherings were an opportunity to exchange ideas and hear first-hand the wants and the needs of our fellow Nebraskans. It was necessary to listen closely so we wouldn't miss the message.

Through the mid-1980's there was a great deal of concern, and many questions were raised about our state's future. There were some who asked: "What's wrong with Nebraska?" There were special sessions to cut budgets, forcing programs to be eliminated, ideas put on hold, promises re-evaluated.

Today I am pleased to say the State of the State is measurably improved over a year ago and substantially stronger than it was when we began our work together in January of 1987.

We are able to talk about "What is right with Nebraska!" The "Can't Do" has been replaced by the "Can Do," and, again, the whispers are being heard from the prairie. We have prosperity as we end this decade and renewed hope for an even greater future in the 1990's.

The fact that we have made so much progress in so short a time is a tribute to the foresight and political courage of this Legislature. Your enactment of landmark legislation in the field of economic development and your commitment to quality education at all levels in Nebraska have mapped a new course for our state, a course whose milestones are more and better jobs for all our people, increased educational opportunities for our students, and a renewed sense of optimism and confidence throughout the state.

We can see and measure the success of our joint efforts in economic development: The commitment of well over $2 billion in new capital investment and more than 18,000 new jobs.

We can see and measure the improvements in education: significant increases in state aid to local school districts; in additional appropriations for our university and state colleges to make possible faculty salary adjustments and to finance important research activities.

We can see and feel the new spirit that abounds in Nebraskaland. Wherever I travel across this state, whether it is part of our Capital for a Day Program, a state college commencement, or ground breaking for a new plant, there is evidence that our people are more

confident of the future, more secure in their belief in themselves, and more determined to work together to continue our progress.

By working together we have given Nebraskans new hope for the future. From Atkinson to Aurora, Beatrice to Broken Bow, Lexington to Lincoln, from Scottsbluff to South Sioux City communities are once again alive with activity created through legislation passed by this body. Let me share with you a few excerpts from letters received recently in my office.

Jackie Sharp of Nebraska City's Chamber of Commerce reports the most recent quarterly sales were the highest in three years. Sales tax receipts were 25 percent above expectations. Twenty new or expanded business activities started the past year.

Jackie wrote, "Nebraska City is definitely on the up swing. Our community has taken on such a positive attitude."

Leone Green in Albion reported five new or expanded business openings in recent months, with more planned. She said they held a Celebrate Nebraska event in June that will become an annual festival. She concluded by saying, "We're proud of Albion, and feel for a town of two thousand we're certainly holding our own."

Incidentally, Boone County's sales tax receipts are up 27 percent over last year.

Cathy Healey of Gothenburg writes about a youth community improvement program which has brought together 198 young volunteers who have been involved in civic and personal service projects that have recharged spirits and revitalized much of the town.

Keith Ellis in McCook writes "Exciting things are happening in McCook. Retail sales are up 18 percent. The people of McCook and Southwest Nebraska are controlling their own destiny. This is just the start of many success stories we know are going to happen."

Finally, an inspiring letter came from Liz Gerberding of Geneva. She started her letter by taking me back to July of 1986, when the local bank was closed. She said "When a bank in a small town closes, it's like someone dying.

Fortunately a new bank is open now, and what has taken place this past year is simply marvelous."

Liz took me on an imaginary walking tour of Geneva's business district, describing 30 improvements that have taken place. She closed by saying "People in the community are working together, young people are starting businesses...it's looking good."

Those accounts are both gratifying and encouraging. But it would be a mistake for us to suppose that our task is finished.

Improving our economy, strengthening our educational system, protecting our natural resources, bolstering Nebraska agriculture,

revitalizing our towns and villages--all these require constant attention and continuous energy and imagination.

Nebraskans have every reason to be proud of our schools and our teachers who do more than almost any other profession in building the future of the state. For years we've boasted of our graduation rates and outstanding student performances on college entrance examinations. It is imperative that we build on all the progress we have made in education.

Now we need to insure that our educational system is keeping pace with the almost bewildering progress in technology. We must continue to strive to make sure our graduates are trained to compete in a rapidly changing society. We cannot fail to recognize that the jobs of tomorrow are not the jobs of yesterday, or even of today.

Nor can we afford to relax our efforts to strengthen our economy. It would be easy to point to the spectacular success of our economic development incentive programs, dust off our hands and say, "Well, that's taken care of."

It's true that we enjoy one of the nation's lowest unemployment rates. But unemployment rates don't mean much to an unemployed or underemployed worker. We must not only continue the efforts to attract new business and industry to Nebraska and to assist companies already here; we must place renewed emphasis on those efforts.

And the competition is increasing. Neighboring states are aware of the success we have achieved with our performance-based incentives. We can expect renewed efforts by our sister states to get back into the race. We will not only have to work harder; we must work smarter in this fiercely competitive environment.

We must capitalize on our natural advantages like our central location and superior communications to build on our strengths.

And, as part of our overall development scheme, we must find ways to bring about a rural renaissance...a rebirth...to the smaller towns and villages of Nebraskaland.

While a number of communities have made progress in bringing a renewed vitality to main street, many localities have not fully shared in the recent economic upturn in Nebraska.

One difficulty appears to be that the technical expertise and resources for planning an effective economic development program are neither available nor affordable in some of our towns.

Nebraskans must assume responsibility for their own future--a future that belongs to those willing to invest the time, leadership, and resources needed to create a brighter tomorrow. It is in that spirit that I am proposing a comprehensive initiative to stimulate rural and community growth throughout Nebraska.

The proposal involves several agencies of state government working together to focus resources and expertise that will help our communities help themselves.

Civic leaders and small business owners have spoken clearly. They have asked for our help in job training; and they need hands-on assistance in securing financial packaging, federal procurement contracts, and export assistance.

That is why I am proposing the opening of four field offices of the Department of Economic Development in order to make the services of that department directly accessible to the communities.

The economy of our main streets depends heavily on the economy of our agricultural sector. A prosperous and expanding farm economy is of key importance in our efforts to revitalize our rural communities. For those reasons the agriculture component of the proposal is aimed at efforts to expand the markets for the products from our farms and ranches. In order to sustain our ability to produce we must be ever mindful of the need to preserve our natural resources; that is why I am proposing an increase in both the Resources Development Fund and Soil and Water Conservation Fund.

Education at every level has an important role to play in this proposal. Our renewed commitment to education in 1988 strengthened schools across this state. We will continue that commitment this year, including support for job training and financial management programs administered by the University, state, and technical community colleges.

Also, I am recommending additional funding for the Department of Education's "Distance Learning" program and increased appropriations for satellite interconnecting systems. This ensures quality educational resources will be available to every classroom in every corner of this state. Modern technology can and will have a dramatic and positive impact on our students.

The delivery of medical services in some parts of our state is in jeopardy. This problem deserves our urgent attention. I have asked Dr. Gregg Wright, the Director of the Department of Health, to convene a conference of health professionals, administrators, and lay people who will critically re-examine this issue and develop a list of options that the state may consider.

In addition to these initiatives rural renaissance will depend on the ability of communities to attract new capital. The private sector, as well as existing state programs such as the Research and Development Authority, can be a source of capital for new business ventures. I am optimistic we can make real progress in the months and years ahead. But it will require direction and leadership.

It is my intention to be actively involved. Over the next year, I expect to participate personally in a series of sessions with communities throughout Nebraska. The goal of these meetings will be twofold: The first is to work with local leadership in a realistic assessment of their community's strengths and weaknesses and develop a work plan for that community.

The second is to find ways to remove barriers to intergovernmental and inter-community cooperation and assistance. We must make certain that no resource goes unused.

Because these initiatives cut across so many departments and agencies, I am proposing that a new position be created in the Governor's Policy Research Office to coordinate the entire program. This will avoid duplication and overlap and insure the most efficient and effective use of state resources.

This rural emphasis has a high priority because it is imperative that we move promptly and aggressively to make certain our smaller communities share in the economic well being of Nebraska.

I have heard this message from the prairie. The state can...and must...do more to help create success stories on every main street of Nebraska.

These towns and villages represent what is best about Nebraska. They fully deserve our support and assistance. I have every confidence they will respond with enthusiasm and effectiveness.

Both in the context of a rural renaissance and economic development Nebraskans must give serious consideration to upgrading our highway system. The Department of Roads has responded to the Legislature's request for a comprehensive assessment of the state's highway needs over the next two decades.

In general, I found the results of the study to be reasonable and objective. They provide a sound basis for further discussion and consideration.

As with virtually every program of state government, the difficult decisions will revolve around the issue of how highway improvements are to be financed.

We must face the fact that Nebraska, more than most states, depends heavily on an effective and efficient highway system to sustain our economy and to continue our economic expansion. You are assured of my continuing cooperation as we develop solutions to our transportation problems.

Since its days as a territory Nebraska's primary industry has been agriculture. It will remain so into the future.

Our farmers and ranchers have faced many challenges during the past decade, the most recent, the unusually hot, dry summer in 1988. Fortunately, the drought did not severely affect the entire state. It

did remind us, however, that we must always be diligent in conserving our natural resource base. In that light, it is my hope that an even stronger partnership can be forged between state government and the natural resource districts as we seek to preserve our soil and water for generations to come.

New and expanded markets will likely continue to be the primary source of increased profits for agriculture. Therefore, I am requesting additional funding for our Department of Agriculture's Promotion and Development Division. Nebraska agriculture simply must be a major competitor in the world marketplace.

I must report to you on activities surrounding one of the more vexing issues facing state and local government, the continuing uncertainty surrounding local revenue due to the 4-R Act. My administration has been working diligently to find a remedy at the national level through the National Governor's Association and other organizations. Tax Commissioner John Boehm has testified before the Congress and continues to work with national organizations of state and local officials to bring about a solution.

Still, a solution to this problem is not imminent. My administration will continue to seek the cooperation of other states in working with Congress to find solutions which restore the states' control over their own tax systems.

This issue, together with recent Supreme Court decisions regarding ag land values, property tax relief, and state aid to education are all interrelated and inseparable issues that cannot be solved in piecemeal fashion. They must be addressed together, and meaningful solutions sought cooperatively. We must be mindful of the judgments of the Supreme Court in recent decisions and ones they may render in the future. We must be prepared to act forthrightly on recommendations presented by commissions we have jointly empowered. Even more important, we must listen to the whisper of the prairie...seek out and carefully weigh the wishes and desires of Nebraska citizens who have spoken on these issues in the past and who are certain to speak again in the future.

I am willing to work with you in fashioning a comprehensive solution to these complex issues.

Experience has taught me that working together, in a spirit of cooperation we can accomplish much. So today, I renew my pledge to listen with an open mind to your concerns, suggestions, and criticism.

As I present budget recommendations for the next two years, I want you to know how grateful I am for the cordial relation- ship we have enjoyed these past two years. I have great respect for each of you and the heavy responsibilities you bear.

Before I turn to specifics of the budget, let me say a word about the balance in the state treasury. There is a prudent balance at this time...as, indeed, there should be if we are to maintain fiscal stability. Each of us understands that current balances do not necessarily represent ongoing revenue and should not be used to undertake substantial new programs.

We cannot afford to fund new spending programs that cannot be sustained. Nebraska has been down that road before and has learned the tragic consequences of imprudent stewardship.

The budget I am proposing embodies two key concepts: stability and sustainability. It builds and expands on the commitments we made in the past two years to economic development and to education.

To insure that those commitments are met, I am proposing a budget of one billion, sixty-two million dollars for Fiscal Year 1989-90 and one billion, one hundred twenty-nine million for Fiscal 1990-91.

This represents an increase of 8.9 percent over the current year and of 6.3 percent the second year.

It is a budget that allows us to fulfill needs of our state that have been unmet for too long. It is a forward-looking budget, which is progressive yet prudent; responsive yet restrained.

It allows for a 3.54 percent biennial reserve of $77.7 million, which is within the statutory reserve requirement and is within the revenue projections of the state forecasting board.

Further, as I announced recently, I will submit legislation for your approval to return to our taxpayers approximately $18 million that resulted from changes in our tax laws in 1987. This money was not intended for use by state government and should be removed from any spending consideration.

In the last session of the Legislature we made truly remarkable progress toward improvement of our state's educational system. Today I am asking that we proceed with that task.

For the University of Nebraska I am recommending new appropriations of $22.5 million for the first year and an additional 19.8 million for the second year of the biennium. This represents an 11.4 percent increase the first year and an additional 9 percent in the second.

Included in my proposal is funding for salary increases of 7.5 percent for each year. Four million and eight million dollars respectively have been added in each year for research initiatives.

A million and a half dollars is included for library automation. Automating and upgrading the UNL library is particularly critical for attracting and retaining quality faculty and graduate students.

These proposals are essential for long term efforts to sustain economic progress and improve quality of life in Nebraska. The recommendations of the Nebraska College of Technical Agriculture Review team are included to further develop quality programs at the Curtis campus.

Amounts requested to help solve staffing problems critical to the continued accreditation at the UNL College of Business Administration are included in my proposal, along with funds to upgrade the UNL student financial aid office.

For the State Colleges, I am recommending $4.5 million the first year and an additional $3 million in the second year of the biennium. This represents a 14.5 percent increase the first year and an additional 8.2 percent increase in the second. It also includes salary improvements of 7.5 percent per year.

Funds are included to increase library materials, instructional equipment, and other projects at Chadron, Kearney, Wayne, and Peru State Colleges.

I recommend that economic development or business assistance centers receive funding at the state colleges.

The State Colleges serve a vital role in providing expertise for business development in their respective areas, and these additional dollars will bring significant returns for the state's economy.

It is recommended that the Technical Community Colleges receive increased General Fund support of $4.1 million in the first year and $5.1 million in the second year of the biennium. This represents an increase of 17.9 percent in the first year and an additional 18.9 percent in the second year of the biennium.

This money is necessary to provide funding levels that will maintain core programs across the state. In addition, my budget recommendations include the dedication of $300 thousand of revenue and interest earnings to the Technical Community Colleges from the Employment Securities Special Contingent Fund for employee assessment, training, and dislocated worker programs.

This will further aid economic development throughout the state. It is my recommendation the avionics program in the Western Community College area is to be given special consideration for some targeted funds.

Due to age, condition, and repair costs of the current microwave system it has become necessary to search for another means to provide statewide educational telecommunications services. The most cost effective solution is a satellite system. I am recommending funding to put such a system in place, thus continuing quality, statewide distribution of educational broadcasting. Capital construction costs will be $1.1 million, with operating costs of $1.2

million. It is important to note, however, that eliminating the microwave system, and its costs, could provide a payback on this investment in as few as four years.

Matching funds have been provided to the ETV Commission to allow Nebraska to participate in a federal grant demonstrating interactive instruction for secondary schools. Nebraska already is a leader in a pilot project. Matching funds will allow the state to utilize a satellite uplink to allow for distance learning in Nebraska schools and schools in 18 other states. I will give consideration to additional funding in this area only after a coordinated plan for Educational Telecommunications Services is completed.

Last year you'll recall, we increased state aid to education by approximately 9 percent. This budget continues that level for the biennium. At the same time we increase funding for Special Education by $3.9 million in 1990, and $9.5 million in 1991.

Availability of good books and other resource material enlightens and enriches our citizenry; so I'm recommending that funding for the Library Commission be increased in three areas.

These improved library programs will make quality information resources available to our citizens in rural and urban communities across Nebraska. These budget proposals continue Nebraska's strong commitment to education.

A $1.3 million annual increase has been budgeted for the Natural Resources Development Fund, and $500 thousand more for Soil and Water Conservation Funds.

I recommend that the increase in this area be earmarked for critical water quality programs, providing a concentrated effort to stop the effects of erosion and to remove harmful chemicals from our ground water supplies.

Last year this Legislature enacted a state revolving loan fund for constructing wastewater facilities. The federal government provides 80 percent of the cost, with the state responsible for the remaining share.

That cost is $3.6 million for the biennium. A number of states are now using revenue bonds as an alternative source for obtaining their state matching funds. I would recommend that Nebraska adopt this funding concept, allowing this important environmental program to go forward.

A major increase has been provided for Medicaid services, administered by the Department of Social Services. Expansion of eligibility requirements by the federal government means more Nebraskans will receive assistance to cover the costs of nursing home and other medical care services.

Many older Nebraskans need and are entitled to our help and understanding. An additional 56.1 million dollars over the next two years will help to provide to those in need. Such care cannot be measured in financial terms alone. These commitments we gladly make to those Nebraskans who through over the years hard work and sacrifice built this great state.

Another need has to do with capital construction plans for our campuses. The focus is on basic utility repairs and improvements and related life safety code requirements.

To meet the needs at the University, my recommendation is $5 million for the biennium.

If the University is to engage in quality research, the basic utility system requires maintenance and upgrading, simply to provide minimum necessary cooling and heating capacity along with electrical requirements.

At the State Colleges, similar funding totaling $500 thousand is recommended. An additional 3.6 million is needed for the mechanical and electrical system repair project at Wayne State College.

Studies and recommendations by experts indicate this project must be completed as rapidly as possible.

I have also recommended $383 thousand for planning money for the renovation of and addition to the College of Business Administration at UNL.

It is clear this project is long overdue and critical to the delivery of undergraduate and graduate programs to Nebraskans. I have, however, placed a total project cost limit of $7.3 million from State funds on this project. If the Regents desire an expansion beyond that amount, the difference should come from non-state sources.

You are aware that we have reached voluntary agreements with our major employee unions regarding compensation and working conditions. Those contract requirements have been funded. For employees who are not members of bargaining units I am recommending salary improvements of 4 percent, beginning on July 1, 1989, and continuing next year; and based on performance further increases, ranging from 1.5 to 2.5 percent to be implemented on the employee's anniversary. A major focus of my budget recommendations relates to services for children and families.

We must work to improve the quality of care for children who cannot live in their own homes and who are the responsibility of the state, while continuing the emphasis on reuniting parents and children. Specifically, we are planning to significantly expand training programs and to strengthen support services for foster parents.

Recruitment efforts will be stepped-up to assure quality placements. I am also including $3 million to develop community services for children in order to take advantage of the planning and development strategies that evolved in Nebraska's application for funding from the Casey Foundation. The focus will be at the community-level where children and families are appropriately served.

Further, I am submitting legislation as part of my tax cut proposal which would allow families with working parents to claim up to 25 percent of the federal income tax credit on their Nebraska tax return. Much time and effort have gone into the preparation of these proposals. Some difficult decisions had to be made---and were made.

This is a budget designed to keep Nebraska moving forward; to bring improvement to the quality of education in our state; to broaden the range of opportunities for all our citizens; and to brighten the future for our children and for our grandchildren.

These young people represent all our children and grandchildren...they are the reasons we must give them nothing but our best...the best education, the best career opportunities...the best environment in which to grow and mature.

So as you undertake the heavy responsibilities of this session, keep in mind the faces of these children and reflect on how your actions will affect not only their parents and grandparents...but the future of these boys and girls.

You have my every good wish for a most successful session, and my gratitude and that of your fellow Nebraskans for your willingness to serve us all. Thank you and may God Almighty bless each of you.

The committee escorted Governor Orr from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 301. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1990, and June 30, 1991; to define terms; and to declare an emergency.

LEGISLATIVE BILL 302. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for the fiscal years ending June 30, 1990, and June 30, 1991; and to declare an emergency.

LEGISLATIVE BILL 303. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to group health insurance; to amend section 44-1620.01, Reissue Revised Statutes of Nebraska, 1943; to change the state's contribution to the state employee health insurance program as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 304. Introduced 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, 1991; to provide an operative date; to repeal Laws 1987, LB 229A, Laws 1987, LB 305A, Laws 1987, LB 350A, Laws 1987, LB 372A, Laws 1987, LB 383A, Laws 1987, LB 419A, Laws 1987, LB 518A, Laws 1987, LB 551A, Laws 1987, LB 557A, Laws 1987, LB 664A, Laws 1987, LB 673A, Laws 1987, LB 716, Laws 1987, LB 766A, Laws 1987, LB 836A, Laws 1987, LB 838A, Laws 1987, LB 863A, Laws 1987, LB 868A, Laws 1987, LB 940A, Laws 1987, LB 963A, Laws 1987, LB 987A, Laws 1987, LB 1012A, Laws 1987, LB 1013A, Laws 1987, LB 1039A, Laws 1987, LB 1100A, Laws 1987, LB 1105A, Laws 1987, LB 1117A, Laws 1987, LB 1160, Laws 1987, LB 1207A, and Laws 1987, LB 1234; and to declare an emergency.

LEGISLATIVE BILL 305. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to education and job training; to amend section 48-621, Reissue Revised Statutes of Nebraska, 1943; to create funds; to create a committee; to authorize the transfer and use of certain funds; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to personnel; to provide a program of counseling of state employees and their immediate family members for certain problems as prescribed; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced 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 require a program statement; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1987, LB 781, Laws 1987, LB 784, and Laws 1988, LB 1041; and to declare an emergency.

LEGISLATIVE BILL 308. 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 781, section 6, Laws 1988, LB 1040A, section 34, and Laws 1988, LB 1041, sections 12, 17, 47, 70, and 81; to make deficit appropriations; to make and change appropriations; to define terms; to state intent; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 309. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to public employees; to amend sections 81-1317, 81-1317.01, 81-1341.01, and 81-1341.03, Revised Statutes Supplement, 1988; to change provisions relating to salaries and other terms of employment as prescribed; to provide salary increases as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 310. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Revised Statutes Supplement, 1988; to eliminate obsolete language; to eliminate requirements for reversing transfers as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 311. Introduced by Landis, 46th District; Weihing, 48th District; Schimek, 27th District.

A BILL FOR AN ACT relating to wastewater treatment facilities; to amend sections 58-201, 58-202, 58-203, 58-214, and 58-219, Reissue Revised Statutes of Nebraska, 1943, and sections 81-15,147, 81-15,148, 81-15,149, 81-15,151, 81-15,152, and 81-15,153, Revised Statutes Supplement, 1988; to restate intent; to redefine terms; to authorize the financing of wastewater treatment facilities through the Nebraska Investment Finance Authority; to change provisions relating to the funding of projects from the Wastewater Treatment Facilities Construction Loan Fund; to provide for a lien of any pledge of the fund or any assets of the fund; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 312. Introduced by Withem, 14th District; Lamb, 43rd District; Moore, 24th District.

A BILL FOR AN ACT relating to school funds; to amend sections 79-1378 and 79-1379, Revised Statutes Supplement, 1988; to change the termination date of the School Financing Review Commission; to change the duties of the commission; and to repeal the original sections.

ANNOUNCEMENT

Mr. Lamb announced the Transportation Committee elected Mr. Beyer as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS

Education

LB 69	Tuesday, January 17, 1989	1:30 p.m.
LB 180	Tuesday, January 17, 1989	1:30 p.m.
LB 190	Tuesday, January 17, 1989	1:30 p.m.
LB 107	Tuesday, January 17, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

Urban Affairs

LB 57	Tuesday, January 17, 1989	1:30 p.m.
LB 53	Tuesday, January 17, 1989	1:30 p.m.
LB 95	Tuesday, January 17, 1989	1:30 p.m.
LB 123	Tuesday, January 17, 1989	1:30 p.m.

(Signed) D. Paul Hartnett, 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 9, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ackerman, James N. - Lincoln	Insurance Federation of Nebraska
Adams, Donald D. - Lincoln	FirsTier, Inc.
Albin, John H. - Lincoln	DeCamp Legal Services, P.C.
Allan, Marilyn J - Lincoln	James E. Ryan, P.C.
Allan, Vernon A. - Scottsbluff	Allan, Vernon A.
Andersen, Robert C. - Lincoln	Nebraska Cooperative Council
Anderson Jr., Ferd E. - Lincoln	Amer. Consulting Engineers Council of NE Nebraska Society of Professional Engineers
Anderson, Shannon M. - Lincoln	O'Hara & Associates, Inc.
Anthes, Robert R. - Lincoln	American Association of Retired Persons (AARP)
Arfmann, Wm. W. - Lincoln	NE Assn. of Public Employees, AFSCME Local 61
Ayres, Joseph Warren - Lincoln	NE Society for Medical Technology, Inc. Nebraska Society for Respiratory Care Nebraska Society of Radiologic Technologists
Bacon, Charles E. - Lincoln	Nebraska Motor Carriers Association
Baker, Donna R. - Lincoln	Nebraska Nurses' Association
Baum Jr., Richard H. - Lincoln	Nebraska School Improvement Association
Beattie, J. Gerald - Lincoln	Nebraska Farm Bureau Federation
Behnke, Judy - Lincoln	Nebrska State Education Association
Bell, Clyde R. - Omaha	Greater Omaha Chamber of Commerce
Berkebile, John W. - Lincoln	John W. Berkebile

Black, Tom - Lincoln	Nebraska State Education Association
Blackburn, Francis G. - Lincoln	Nebraska Cooperative Council
Bligh, Robert A. - Lincoln	Nebraska Association of School Boards
Bokemper, Duane - Lincoln	The American Legion, Dept. of Nebraska
Boston, Krista Kay - Kearney	Associated Students of Kearney State College
Botsch, Barbara A. - Omaha	Greater Omaha Chamber of Commerce
Boucher, Richard L. - Lincoln	Nebraska County Attorneys Association
Boyle, Mike - Omaha	Erickson & Sederstrom, P. C.
Brandt, William B. - Lincoln	Nebraska Bankers Association
Brown, Vincent D. - Lincoln	American Petroleum Institute
Bunger, Joyce - Omaha	First Data Resources Inc.
Carlson, Karen A. - Lincoln	US WEST Communications, Inc.
Carole, Jeanene - Lincoln	Donald D. Adams
Carpenter, Elaine K. - Lincoln	Lincoln Telephone & Telegraph Co.
Carpenter, Rex - Lincoln	Nebraska Rural Electric Association
Carstenson, Eric B. - Lincoln	Lincoln Chamber of Commerce
Chambers, David L. - Lincoln	League of Nebraska Municipalities
Cline, Williams, Wright, Johnson & Oldfather	
Buntain, David R. - Lincoln	Nebraska Medical Association
Hopkins, Julian H. - Lincoln	Ameritas Financial Services
	Nebraska Medical Association
Peterson, Alan E. - Lincoln	Media of Nebraska
Clubine, Ginger - Lincoln	Association for Retarded Citizens/ Nebraska
Colladay, Martin G. - Omaha	CONAGRA, Inc.
Collins, Richard E. - Omaha	Pro-Law Association of Nebraska
Crosby, Guenzel, Davis, Kessner & Kuester	
Bartels, Gregory B. - Lincoln	Nebraska Cooperative Council
Guenzel, Robert C. - Lincoln	Alliance of American Insurers
	Nebraska Cooperative Council
Norby, Scott J. - Lincoln	Better Nebraska Association
Cunningham, James R. - Lincoln	Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln	Lincoln Medical Education Foundation
	Nebraska Academy of Family Physicians
	Nebraska Association of Area Agencies on Aging
	Nebraska Association of Resources Districts
	Nebraska Cattlemen
	Nebraska Corn Growers Association
	Nebraska Dietetic Association, Inc.
	Nebraska Financial Services Association
	Nebraska Railroad Association
	Nebraska Thoroughbred Breeders' Association
	Nebraska Wheat Growers Association

	Tews and Radcliffe
	Twin Platte Natural Resources District
	U.S. Ecology
Dankert, Gene - Lincoln	Citizens Against Pornography of Lincoln
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Daniel G. Dolan
	Committee for Regional High School System
	Nebraska Association of Trial Attorneys
	Nebraska Aviation Trades Association
	Nebraska Chiropractic Physicians Association
	Smokeless Tobacco Council, Inc.
	Veterans of Foreign Wars, Dept. of Nebraska
Deegan, John F. - Bellevue	Bellevue Public Schools
Dirrim, Delbert E. - Omaha	Omaha Public Power District
Dobler, James B. - Lincoln	Farmers Mutual Insurance Company of Nebraska
Doyle, Larry B. - Bellevue	American Irish Political Education Committee
	Irish National Caucus Inc.
Eastlund, Jennifer S. - Kearney	Asso. Students of Kearney State College
Echo-Hawk, Walter R. - Boulder, CO	
	Pawnee Indian Tribe of Oklahoma
	Winnebago Tribe of Nebraska
Edgerton, Steve - Omaha	Nebraska Credit Union League
Edson, Dean E. - Lincoln	Nebraska Farm Bureau Federation
Enewold, Richard H. - Omaha	AT&T Company
Erickson, Julie Sterner - Lincoln	American Communications Group, Inc.
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	DeHart & Dar Associates, Inc.
	Immanuel, Inc.
	Iowa Beef Processors, Inc.
	Nebraska Municipal Power Pool
	Nebraska Rural Water Association
	Nebraska Society of Architects
	Nebraska State College System
	Nebraska Telephone Association
	Project 2000
	Recreational Vehicle Industry Assoc.
Fiddelke, Debbie S. - Lincoln	Asso. Students of the University of NE
Fischer, Ralph J. - Beatrice	General Agricultural Services, Ltd.
Fischer, Thomas B. - Lincoln	FirsTier Bank, National Association
Fraizer, T. J. - Lincoln	American Insurance Association
	Health Insurance Association of America
	Mutual of Omaha Insurance Company

	United of Omaha Life Insurance Co.
Francl, Edward A. - Omaha	Metropolitan Utilities District
Frazier, Lawrence A. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Frey, John H. - Lincoln	Lincoln Medical Education Foundation
Galloway, Douglas W. - Topeka, KS	
	United Telephone Company of the West
Garrison, Jerald R. - Lincoln	Communications Workers of America
Goc, John J. - Lincoln	City of Lincoln
Gordon, James E. - Lincoln	Erickson & Sederstrom, P.C.
Graham, M. J. - Lincoln	American Association of Retired Persons
Haessler, John - Lincoln	Woodmen Accident and Life Company
Hale, Susan M. - Lincoln	Planned Parenthood of Omaha/ Council Bluffs
Hallstrom, Robert J. - Lincoln	National Federation of Independ. Business
	Nebraska Bankers Association
	Nebraska Pharmacists Association
	NETWORKS, INC.
Hamilton, James S. - Lincoln	Nebraska Council on Alcohol & Drug Education
Hansen, JoAnn - Lincoln	Nebraska Public Power District
Hersch, Alan - Lincoln	Minnegasco, Inc.
Hill, Bryan R. - Lincoln	Asso. Students of the University of Nebraska
Hoke, C. J. - Grand Island	Southern Nebraska Rural Public Power District
Hoke, Fred A. - Lincoln	Nebraska Council of School Administrators
Holmquist, Jay - Lincoln	Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln	Nebraska Committee for the Humanities
Howard, Robert N. - Omaha	National Electrical Contractors Assn.- NE Chap.
Huff Jr., Walt - Lincoln	Nebraska Associated General Contractors
Humpal, John E. - Omaha	Blue Cross and Blue Shield of Nebraska
	HMO Nebraska, Inc.
Hunzeker, Mark A. - Lincoln	Insurance Federation of Nebraska
Inbody, Rick O. - Lincoln	Communications Workers of America
Jennings, Warren E. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Jensen, S. Michael - Blair	Great Plains Communications, Inc.
Jensen, Ronald L. - Lincoln	Nebraska Association of Homes for the Aging
	The Sierra Club - Nebraska Chapter
Jewell, Jan - Lincoln	DeCamp Legal Services, P.C.
Johnson, Dick - Lincoln	Associated Builders & Contractors, Inc.

Johnston, Paul - Lincoln	Nebraska Cattlemen, Inc.
Johnston, Thomas S. - Lincoln	Nebraska Technical Community College Assn.
Jordison, John C. - Lincoln	Nebraska Tax Research Council, Inc.
Kay, Sara - Lincoln	Erickson & Sederstrom, P. C.
Keetle, Roger S. - Lincoln	Nebraska Hospital Association
Kelley, Michael - Omaha	American Savings
	Horsemen's Benevolent Protective Asso.
	Metro Area Transit
	Nebraska Criminal Defense Attorneys Asso.
	United Retailers Liquor Asso. of NE
Kissel, Gordon - Lincoln	Nebraska Association of Resources Districts
Koch, Clarence - Lincoln	Veterans of Foreign Wars
Koseluk, Alex - Omaha	Nebraska Credit Union League
Kratz, Dean G. - Omaha	Nebraska League of Savings Institutions
	Nebraska Building Chapter Associated General Contractors
Krivosha, Norman M. - Lincoln	Ameritas Life Insurance Corporation
Kronberg, Wendell - Bellevue	Ralston Area Chamber of Commerce
LaPadula, Joe - Omaha	Disabled American Veterans
Larsen, Roger Hans - Lincoln	Nebraska State Education Association
Lauerman, Meg - Lincoln	Lincoln Public Schools
Linbo, Steven A. - Omaha	Cornhusker Casualty Company
Lineweber, Ray L. - Lincoln	United Transportation Union
Lombardi, Richard A./American Communications Group, Inc.	
Lombardi, Richard A. - Lincoln	American Communications Group, Inc.
	American Physical Therapy Association, Nebraska Chapter
	Nebraska Association of Community Mental Health Providers
	Nebraska Association of Public Employees Local 61
	Nebraska Professional Counselor's Association
	Nebraska State Fair Board
	Papio Natural Resources District
Long, Donald P. - Holdrege	The Central NE Public Power & Irrigation Dist.
Lostroh, Julia J. - Lincoln	Nebraska Coalition for Life
Lowrey, Lon D. - Florissant, MO	Sandoz Pharmaceuticals
Lutz, Richard - Lincoln	Employers Unemployment Insurance Association
	Nebraska Restaurant Association
Maliszewski, V. G. - North Platte	US WEST Communications, Inc.
Mancuso, Mary J. - Lincoln	O'Hara & Associates, Inc.
Mass, Ken E. - Omaha	Nebraska State AFL-CIO
Matthies, Marcia L. - Lincoln	Nebraska Health Care Association

Matzke Jr., Stan - Lincoln	Nebraska Bankers Association
McClelland, Carol - Lincoln	Independent Insurance Agents of Nebraska
McCullough, Mardy - Grant	Nebraska Land Title Association
McDonald, Gordon L. - Omaha	Nebraska State AFL-CIO
McKeon, Robert L. - Omaha	Motor Club Insurance Association
McNeil, John - South Sioux City	South Sioux Chamber of Commerce
Mehuron, Steve - Omaha	Communications Workers of America 7400
Miesbach, Neal L. - Omaha	Nebraska Surety Association
	Professional Insurance Agents of Nebraska
Milander, Delwyn P. - Lincoln	Nebraska Civil Liberties Union
Miller, Cy - Lincoln	American Association of Retired Persons (AARP)
	Nebraska Senior Citizens Council
Mills, Jack D. - Lincoln	Nebraska Association of County Officials
Moeller, James E. - Lincoln	Brotherhood of Locomotive Engineers
Monaghan, Tom - Lincoln	Nebraska Democratic Party
Moody, Randy - Lincoln	American Asso. of University Professors-UNL
	American National Bank
	Nebraska Library Association
	Nebraska State Education Association
Moors, H. Jack - Lincoln	Anheuser-Busch
	Friends of Faculty Senate
	Nebraska Corn Growers Association
	Norwest Bank Nebraska, N.A.
Moulton, William S. - Omaha	Nebraska Retail Grocers Association
Moylan, James H. - Omaha	Douglas County, Nebraska
	Nebraska Licensed Beverage Association
	Nebraska Lodging Association
	R. J. Reynolds Tobacco
Mrasek, Jayne - Lincoln	Association for Retarded Citizens/ Nebraska
Mueller, William J./Knudsen, Berkheimer - Lincoln	
	American Express Travel Related Services Co., Inc.
	American Telephone & Telegraph Company
	First Commerce Bancshares, Inc.
	First Data Resources Inc.
	IDS Financial Services, Inc.
	Nebraska Rural Community Schools Association
	Nebraska Society of Independent Accountants

	Nebraska State Bar Association
	Nebraska State Pest Control Association
	Nebraska Wholesale Suppliers Association
	Platte River Flood Control Association
	Printing Industries of the Midlands, Inc.
	South Central Irrigators Association
	The Nebraska Methodist Hospital, Inc.
	The Western Sugar Company
	Western Heritage Museum
Mumm, Alton - Omaha	Communications Workers of America, Local 7290
Neidig, Bryce P. - Lincoln	Nebraska Farm Bureau Federation
Nelson, Nette - Lincoln	Nebraska Research & Development Authority
Nelson, Richard P. - Lincoln	Citizens Against Pornography of Lincoln
Noren, Charles F. - Lincoln	Independent Insurance Agents of Nebraska
	Nebraska Motorcycle Dealers Association
	Nebraska Professional Firefighters Association
Nowka, Trent P. - Lincoln	Nebraska Farm Bureau Federation
Obst, Robert E. - Grand Island	US WEST Communications, Inc.
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Arts Community--Treasure Institutions of Nebraska
	Bethphage Mission, Inc.
	Bishop Clarkson Hospital
	Blue Cross & Blue Shield of Nebraska
	Blue Flame Gas Association
	Columbus City Schools
	Enron Corporation
	Finocchiaro Wine Co., Inc.
	First National Bank of Omaha
	Grand Island Public Schools
	Martin Luther Home, Inc.
	Native American Rights Fund
	Nebraska Asso. of Trial Attorneys
	NE Chap. of Nat. Society for Children & Adults with Autism
	Nebraska Committee for the Humanities
	Nebraska Dental Association
	Nebraska Soft Drink Association
	Norfolk Public Schools
	North Platte School District
	Omaha Public Power District

	Scottsbluff Public Schools
	United Technologies/Hamilton Test Systems, Inc.
O'Hara, Paul V. - Lincoln	O'Hara & Associates, Inc.
Osland, Norman A. - Lincoln	Nebraska Telephone Association
Pack, Mary M. - Lincoln	Walter H. Radcliffe/Tews & Radcliffe
Pappas, James E. - Lincoln	Northwestern Public Service
	James E. Ryan, P.C.
Parker, David R. - Lincoln	Great West Casualty Company
	Joe Morten & Son, Inc.
	National Adjustment Company
Peregoy, Robert M. - Boulder, CO	Pawnee Tribe of Oklahoma
	Winnebago Tribe of Nebraska
Peters, William E. - Lincoln	Burlington Northern, Inc.
	The Tobacco Institute
Peterson, Robert - Lincoln	Nebraska Association of School Boards
Philbin, Robert - Omaha	First Data Resources, Inc.
Pierson, Darwin R. - McCook	Nebraska Independent Oil & Gas Association
Popken, Kent T. - Lincoln	US WEST Communications, Inc.
	US WEST, Inc.
Prazan, Jerome John - Omaha	City of Omaha
Preston, James N. - Lincoln	Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln	Woodmen Accident and Life Company
Quick, Gerald D. - Omaha	Peoples Natural Gas
Radcliffe, Walter H./Tews & Radcliffe	
	Bruce A. Cutshall
	Friends of Higher Education
	Investment Company Institute
	J. Murry Shaeffer
	Lincoln Telephone Company
	Media of Nebraska
	Metropolitan Life
	Motion Picture Asso. of America, Inc.
	Native American Rights Fund
	Nebraska Association of Correctional Employees
	Nebraska Automatic Merchandising Council
	Nebraska Cable Communications Association
	Nebraska Depositors Action Committee
	Nebraska Financial Services Association
	Nebraska Health Care Association, Inc.
	Nebraska Manufactured Housing Institute, Inc.
	Nebraska Occupational Therapy
	Nebraska Pyrotechnics Association
	Nebraska Realtors Association

	Nebraska Securities Industry Association
	Nebraska Society of Certified Public Accountants
	Nebraska State Cemetery Association
	Omni Dental Associations, Inc.
	Pickle Bingo Association
	Safeway Stores Inc.
	Shearson Lehman Bros., Inc., Chiles Heider Div.
	The Wine Institute
	Virginia Koerselman
Raglin, James H. - Lincoln	Nebraska Press Advertising Service, Inc.
Rasmussen, Dennis - Lincoln	Iowa/Nebraska Farm Equipment Association
Rea, Jim - Lincoln	Nebraska State Education Association
Remington, S. June - Lincoln	Nebraska Council of School Administrators
	Nebraska Educational Service Units Board's Asso.
Remmers, R. Wiley - Lincoln	Walter H. Radcliffe of Tews & Radcliffe
Rex, L. Lynn - Lincoln	League of Nebraska Municipalities
Richard, Dwayne - Lincoln	Retail Merchants Association of Nebraska
Riha, James E. - Omaha	Nebraska Self-Service Storage Association
Robak, Kim M. - Lincoln	Nebraska Democratic Party
Robinson, J. J. - Lincoln	Amer. Consulting Engineers Council of Nebraska
Rodenburg, Susan - Lincoln	Nebraska Farm Bureau Federation
Roundey, William G. - Lincoln	Nebraskans Against the Death Penalty
Rupp, Lee - Lincoln	University of Nebraska
Russell, Claudia - Lincoln	Nebraska Bankers Association
Ruth, Larry R./Knudsen, Berkheimer - Lincoln	
	American Express Travel Related Serv. Co., Inc.
	American Telephone & Telegraph Co.
	First Commerce Bancshares, Inc.
	First Data Resources Inc.
	IDS Financial Services, Inc.
	Nebraska Rural Community Schools Assn.
	Nebraska Society of Indep. Accountants
	Nebraska State Bar Association
	Nebraska State Pest Control Assn.
	Nebraska Wholesale Suppliers Association
	Platte River Flood Control Asso.
	Printing Industries of the Midlands, Inc.
	South Central Irrigators Association

	The Nebraska Methodist Hospital, Inc.
	The Western Sugar Company
	Western Heritage Museum
Ryan, Beth - Lincoln	Nebraska Railroad Association
Ryan, James E. - Lincoln	FirsTier Financial Inc.
	Friends of Higher Education
	Health Future Foundation
	National Association of Independent Insurers
	Nebraska Assocication of Tobacco & Candy Distributors
	Nebraska Judicial Council
	Nebraska Motor Carriers Association
	Nebraska Optometric Association
	Nebraska Public Power District
	Nebraska Wholesale Liquor Distributor Association
	Norwest Banks - Nebraska, N.A.
	Police Officers' Assn. of Nebraska
	US West Communications
	3M
Sahling, Shelley R. - Lincoln	Lincoln Electric System
Sands, David - Lincoln	National Audubon Society
Scarpello, Sam M. - Omaha	Nebraska State Electrical Council
	Omaha Building Trades Council
Schaaf, Terry R. - Lincoln	James E. Ryan, P. C.
Schafer, Edwin C. - Omaha	Nebraska Broadcasters Association
Schellpeper, William L. - Lincoln	Nebraska Medical Association
Scherer, Leo - Lincoln	State Fair Park
Schimek, Herbert H. - Lincoln	Nebraska State Education Association
Schinzel, Donald L. - Omaha	Commercial Federal Savings & Loan
Schoening, Steven L. - Omaha	General Drivers and Helpers-Local Union 554
Schoenrock, Robert L. - Lincoln	Brotherhood of Mainten. of Way Employees
Schroeder, Robert C. - Lincoln	Alcoholism & Drug Abuse Council of NE
Schwartz, Harvey - Lincoln	Nebraska Republican Party
Schwartze, L. J. Rusty - Lincoln	Nebraska State Home Builders Association
Scott, Richard - Lincoln	Nebraska Sheriffs' Association
Sedlacek, Ronald J. - Lincoln	Nebraska Bankers Association
	Nebraska Chamber of Commerce & Industry
Seline, Kathleen D. - Omaha	Creighton University
Shaeffer, J. Murry - Lincoln	Nebraska Assoc. of Correctional Employees
	State Troopers Association of Nebraska
Sharp, James G. - Lincoln	Associated Credit Bureaus

	of Nebraska, Inc.
	Nebraska Collectors Association, Inc.
	Nebraska Shorthand Reporters Association
Shaw, Timothy F. - Lincoln	Nebraska Advocacy Services, Inc.
Sherbert, Norman R. - Denver, CO	General Motors Corporation
Shuler, James O. - Omaha	Central States Health & Life Co. of Omaha
Sibley, Stan - Omaha	Omaha Public Schools
Siefkes, Dale - Lincoln	Nebraska Association of School Boards
Siefkes, John J. - Lincoln	Safety Council of Nebraska
Smith, Alvin T. - Lincoln	Nebraska Water Resources Association
Smith, Dwayne G. - Columbus	Loup River Public Power District
Snyder, Patricia - Lincoln	Nebraska Health Care Association
Solem, Calvin C. - Omaha	Associated General Contractors
Starnes, Marcia A. - Lincoln	Nebraska Water Resources Association
Stone, Fred R. - Lincoln	Nebraska Petroleum Marketers, Inc.
Sturner, Barbara A. - Lincoln	Peter C. Sturner & Associates
Sturner, Peter C.- Lincoln	Nebraska State Vol. Firefighters Assn.
	Nebraska Veterinary Technicians Assn. Inc.
	Peter C. Sturner & Associates
Sullivan, Patrick H. - Lincoln	Mid-America Lumbermens Association
Suttle, Deborah, S. - Omaha	Nebraska PTA
	Dan Wright, Ph.D.
Swartz, Jack - Lincoln	Nebraska Chamber of Commerce & Industry
Taylor, John G. - Lincoln	Nebraska Civil Liberties Union
Timmermann, Dennis F. - Lincoln	United Transportation Union
Todd Jr., A. Loy - Lincoln	Nebraska New Car & Truck Dealers Association
	NATO of Nebraska
Tremblay, Debra - Lincoln	Nebraska Association of School Boards
Ullstrom, Galen F. - Omaha	Mutual of Omaha Insurance Company
Urdahl, Michael B. - Blair	Great Plains Communications, Inc.
Vickers, Tom - Lincoln	Class III's Of Nebraska
	Nebraska Motorcyclist Coalition
	Nebraska Technical Community College Asso.
	Preserve our Water Resources Association
Vitek, James C. - Omaha	Blue Cross and Blue Shield of Nebraska
	HMO Nebraska, Inc.
Vodvarka, Dan - Lincoln	Nebraska Chamber of Commerce &

	Industry
Vrana, Verlon K. Tony - Seward	Nebraska State Grange
Vuchetich, Pamela Jones - Lincoln	Professional Surveyors Asso. of NE
Walsh, Linda M. - Hastings	Nebraska Society of Radiologic Technologists
Wewel, L. L. - Omaha	Nebraska Public Interest Campaign Inc.
Wheeler, Stuart L. - Hastings	K N Energy, Inc.
White, Mary - Lincoln	Nebraska Bankers Association
Willey, Bobby T. - Lincoln	Farmers Insurance Group of Companies
Williams, David - Lincoln	Ameritas Life Insurance Corporation
Willis, Larry F. - Lincoln	Nebraska Vocational Association
Wilson, Dwaine - Lincoln	Veterans of Foreign Wars
Wolfe, Hobbin - Lincoln	Nebraska Association of School Boards
Wood, Alan M. - Lincoln	Nebraska Manufacturing Housing Association
Wreed, V. Delight - Lincoln	Nebraska Health Care Association
Wurtz, Thomas A. - Omaha	Metropolitan Utilities District
Yost, Kurt T. - Lincoln	Nebraska Independent Bankers' Association
Young, Harry D. - Beatrice	Norris Public Power District
Young, Marge - Lincoln	League of Women Voters of Nebraska

EASE

The Legislature was at ease from 10:45 a.m. until 11:12 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 313. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121.01, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum weekly income benefit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 314. Introduced by McFarland, 28th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to low-level radioactive waste disposal; to amend sections 81-1578, 81-1579, 81-15,101.01, and 81-15,104, Revised Statutes Supplement, 1988; to restate intent; to

provide for a special election on the location of a low-level radioactive waste facility; to provide for the costs of the election; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 315. Introduced by Lindsay, 9th District; Hall, 7th District; Schimek, 27th District; Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Reissue Revised Statutes of Nebraska, 1943; to change weekly benefit amounts; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Lindsay, 9th District; Hall, 7th District; Schimek, 27th District; Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Reissue Revised Statutes of Nebraska, 1943; to change the weekly benefit amount; and to repeal the original section.

LEGISLATIVE BILL 317. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to veterans; to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943; to increase the amount in the Nebraska Veterans' Aid Fund; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Conway, 17th District; Wesely, 26th District; Abboud, 12th District; Weihing, 48th District.

A BILL FOR AN ACT relating to health care coverage; to provide for certain coverage benefits after a change in the employment status or death of a covered employee; and to require certain coverage benefits.

LEGISLATIVE BILL 319. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Wesely, 26th District; Weihing, 48th District; Lynch, 13th District; Abboud, 12th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-120, 44-121, 44-124, 44-133, 44-134, 44-208.05, 44-3,123, 44-1206.01, 44-1525, 44-2403, 44-2406, 44-2409, 44-2710, 44-3276,

44-3323, and 44-3822, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to eliminate provisions relating to insolvent companies; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 44-125 to 44-127.10 and 44-127.13 to 44-132, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 320. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Conway, 17th District; Abboud, 12th District; Wesely, 26th District; Schmit, 23rd District; Lynch, 13th District; Weihing, 48th District.

A BILL FOR AN ACT relating to insurance; to adopt the Prepaid Limited Health Service Organization Act.

LEGISLATIVE BILL 321. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Lynch, 13th District; Conway, 17th District; Weihing, 48th District; Wesely 26th District; Abboud, 12th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943; to provide borrowing limitations on certain directors as prescribed; to change provisions relating to the lending limit for loans; and to repeal the original section.

LEGISLATIVE BILL 322. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Lynch, 13th District; Conway, 17th District; Abboud, 12th District; Wesely, 26th District; Schmit, 23rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-126, Revised Statutes Supplement, 1988; to change a requirement for bank directors; and to repeal the original section.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 238 through 279.

LB	Committee
238	Business & Labor
239	Revenue
240	Urban Affairs
241	Government, Military & Veterans Affairs
242	Nebraska Retirement Systems

243 Judiciary
244 Urban Affairs
245 Transportation
246 Government, Military & Veterans Affairs
247 Education
248 Judiciary
249 Revenue
250 Education
251 Natural Resources
252 Nebraska Retirement Systems
253 Government, Military & Veterans Affairs
254 Government, Military & Veterans Affairs
255 Government, Military & Veterans Affairs
256 Government, Military & Veterans Affairs
257 Government, Military & Veterans Affairs
258 Appropriations
259 Education
260 Revenue
261 Business & Labor
262 Government, Military & Veterans Affairs
263 Government, Military & Veterans Affairs
264 Education
265 Judiciary
266 Government, Military & Veterans Affairs
267 Judiciary
268 Appropriations
269 Health & Human Services
270 Natural Resources
271 Natural Resources
272 Banking, Commerce & Insurance
273 Health & Human Services
274 Education
275 Appropriations
276 Government, Military & Veterans Affairs
277 Revenue
278 Banking, Commerce & Insurance
279 Banking, Commerce & Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 5. Introduced by Schmit, 23rd District; Chambers, 11th District.

WHEREAS, federal authorities took control of the Franklin Community Federal Credit Union on November 4, 1988, for what they described as "unsafe and unsound practices" and monetary losses; and

WHEREAS, the National Credit Union Administration placed Franklin Community Federal Credit Union into liquidation on November 11, 1988; and

WHEREAS, an estimated thirty-eight million dollars is missing, which has resulted in an ongoing, multi-pronged federal investigation; and

WHEREAS, despite Franklin Community Federal Credit Union being a federally chartered credit union, the National Credit Union Administration failed to comply with federal law by failing to require annual audits since 1984; and

WHEREAS, the failure of Franklin Community Federal Credit Union is the second largest collapse of a Nebraska financial institution in history; and

WHEREAS, Franklin Community Federal Credit Union was paid by the city of Omaha to administer a six million three hundred thousand dollar mortgage loan portfolio despite significant discrepancies in loan records, lack of current and accurate information in loan files, criticism by the federal Department of Housing and Urban Development, and the need for the city to maintain duplicate records for five hundred nineteen active loans because of known Franklin Community Federal Credit Union deficiencies; and

WHEREAS, other significant issues and matters associated with or growing out of the failure of Franklin Community Federal Credit Union and the conduct of its board of directors, advisory board, director, employees, and agents, which could involve violations of state laws, have emerged; and

WHEREAS, various local, county, state, and federal officials, agencies, boards, and commissions and various local, county, state, and federal law enforcement officials and agencies have been or are concerned with or investigating the operation, activities, and failure of Franklin Community Federal Credit Union and issues and matters arising therefrom or associated therewith, including alleged physical and sexual abuse of foster and adopted children; and

WHEREAS, in connection with the failure of Franklin Community Federal Credit Union and associated issues, a determination should be made of:

(1) What happened;
(2) How it happened;
(3) Who was involved and responsible and the degree of their involvement and responsibility; and
(4) What could or should have been done, and by whom, to prevent it; and

WHEREAS, an examination should be made of the responsibilities and activities, whether policymaking, oversight, regulatory, investigative, law enforcement, or other, as the case may be, in connection with the failure of Franklin Community Federal Credit Union and associated issues, of the following:
(1) Office of the Governor;
(2) Office of the Attorney General;
(3) Department of Social Services;
(4) Child Protective Services;
(5) State Foster Care Review Board;
(6) Office of the Douglas County Attorney;
(7) Office of the Washington County Attorney;
(8) Nebraska State Patrol, Omaha Police Department, and other affected law enforcement agencies;
(9) To the extent feasible, the Federal Bureau of Investigation, the Internal Revenue Service, the United States Attorney, and the National Credit Union Administration; and
(10) Any other affected agencies, boards, commissions, entities, or persons; and

WHEREAS, by appointing a special committee to address the myriad issues involved with the failure of Franklin Community Federal Credit Union and such other additional business as may come before the committee that touches upon any of the foregoing matters, persons, entities, or issues, the Legislature can develop a cohesive and comprehensive response.

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

1. That, pursuant to section 50-404, a special committee of the Legislature be established to investigate the matters enumerated in this resolution and any other associated matters.

2. That the following persons serve on such committee:
Senator Loran Schmit
Senator Ernie Chambers
Senator Jerome Warner
Senator Bernice Labedz
Senator Dan Lynch
Senator Dennis Baack

Senator Jim McFarland

3. That Senator Loran Schmit be appointed chairperson and Senator Ernie Chambers be appointed vice-chairperson of such committee.

4. That the special committee be vested with legislative power to issue subpoenas. The committee shall follow Rule 3, section 20 of the Rules of the Nebraska Unicameral Legislature, regarding subpoena procedure.

5. That one hundred thousand dollars be allocated to the special committee from Legislative Council appropriations to be used to retain special counsel and cover other necessary committee expenses.

6. That a majority of the special committee shall constitute a quorum for all purposes. A member who fails to attend three consecutive or five total committee meetings shall no longer be a member of the special committee.

7. That the Rules of the Nebraska Unicameral Legislature should be amended to permit the special committee to introduce legislative bills and resolutions at any time during the session without requiring a floor vote to allow such introduction.

8. That an interim summary report of all activities and findings of the special committee, consistent with the requirements of confidentiality and ongoing investigation, be made on July 1, 1989.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 323. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to optometrists; to amend section 71-1,135, Reissue Revised Statutes of Nebraska, 1943, and section 71-101, Revised Statutes Supplement, 1988; to state findings and declare legislative intent; to change examination requirements for the Board of Examiners in Optometry; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original sections.

ADJOURNMENT

At 11:16 a.m., on a motion by Mrs. Crosby, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 11, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Charles Borcherding, Redeemer Lutheran, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Abboud, Conway, Haberman, Hall, Lynch, Warner, Wesely, Mrs. Labedz, Mses. Schimek and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 169, after line 12, insert:

A BILL FOR AN ACT relating to insurance; to adopt the Prepaid Limited Health Service Organization Act.

The Journal for the Fourth Day was approved as corrected.

MOTION - Withdraw LB 112

Mrs. Smith renewed her pending motion found in the Journal on page 109 to withdraw LB 112.

The motion to withdraw prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 324. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to counties; to amend sections 77-1720, 77-1823, and 77-1825, Reissue Revised Statutes of Nebraska, 1943; to increase county fees for certain services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to environmental protection; to adopt the Degradable Products Act.

LEGISLATIVE BILL 326. Introduced by Landis, 46th District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Risk Manager; to amend section 60-1008, Reissue Revised Statutes of Nebraska, 1943; to authorize self-insurance of certain risks and the purchase of risk management services; to transfer a section; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 327. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to cities; to amend sections 19-405, 19-406, and 19-409, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to elections as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 328. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to death benefits; to provide for revocation of a beneficiary designation upon entry of a decree of annulment or dissolution of marriage as prescribed.

LEGISLATIVE BILL 329. 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, 1988; to define terms; to provide an income tax credit for certain businesses which provide day care as provided; to provide rules and regulations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 18. 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 19. 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 20. 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 21. 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 22. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 24. 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 25. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 34. 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.

ANNOUNCEMENTS

Mr. Withem announced the Education Committee elected Mr. Dierks as Vice Chairperson.

Mrs. Smith announced the General Affairs Committee elected Mr. Hartnett as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 330. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to domestic abuse; to amend sections 29-404.02, 29-422, 42-901, 42-903, 42-905, and 42-924 to 42-926, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to arrests; to redefine a term; to provide an additional support service; to change provisions relating to protection orders as prescribed; to change a penalty; to authorize courts to grant additional orders; to excuse certain costs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 331. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to liability; to amend sections 13-916, 28-1417, and 83-1017, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to governmental immunity; to provide for the legal defense of employees of political subdivisions in certain actions; to authorize the purchase of insurance for the negligent acts and omissions of employees of political subdivisions; to provide immunity to certain persons for actions relating to mental health boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to counties; to amend section 77-1513, Reissue Revised Statutes of Nebraska, 1943, and section 77-1510, Revised Statutes Supplement, 1988; to change provisions relating to appeals of valuation of real property from the county board of equalization and to the costs of such appeals as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Ashford, 6th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1988; to authorize the acquisition of detached auxiliary offices by a bank as prescribed; and to repeal the original section.

LEGISLATIVE BILL 334. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to deeds of trust; to amend section 76-1004, Reissue Revised Statutes of Nebraska, 1943; to provide for notice of substitution of trustee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Rogers, 41st District; Korshoj, 16th District; Morrissey, 1st District.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,188, Revised Statutes Supplement, 1988; to change provisions relating to tax credits pursuant to the act; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 336. Introduced by Education Committee: Withem, 14th District, Chairperson; Bernard-Stevens, 42nd District; Baack, 47th District; Crosby, 29th District; Dierks, 40th District; Nelson, 35th District; McFarland, 28th District.

A BILL FOR AN ACT relating to education; to state intent; to provide for forums and a program on school restructuring; to provide for grants; to provide criteria for programs and grants; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 337. Introduced by Education Committee: Withem, 14th District, Chairperson; Bernard-Stevens, 42nd District; Baack, 47th District; Dierks, 40th District; Nelson, 35th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; 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; and to repeal the original section.

LEGISLATIVE BILL 338. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Dierks, 40th District; Crosby, 29th District; Byars, 30th District; Schellpeper, 18th District; Lynch, 13th District.

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

LEGISLATIVE BILL 339. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-102, Reissue Revised Statutes of Nebraska, 1943; to provide for a bow hunter education training program in bow hunting equipment; to provide requirements on certain permits for hunting as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to burial sites and skeletal remains; to adopt the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend section 28-1301, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; to provide exceptions; to harmonize provisions; and to repeal the original section.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.

LEGISLATIVE BILL 4. Placed on Select File as amended.
E & R amendments to LB 4:
AM5000

1. On page 4, line 11, strike the comma and show as stricken.

2. On page 5, line 14, reinstate the stricken comma; and in line 17 strike the second comma and show as stricken.

LEGISLATIVE BILL 5. Placed on Select File.

LEGISLATIVE BILL 6. Placed on Select File as amended.
E & R amendments to LB 6:
AM5001

1. On page 7, line 5, strike "disapproval" and insert "decision of the director".

2. On page 10, line 8, after "mean" insert "the"; in line 21 strike the first comma and show as stricken; in line 22 strike the last comma and show as stricken; and in line 24 strike the comma and show as stricken.

3. On page 13, line 2, strike "12" and insert "13".

LEGISLATIVE BILL 8. Placed on Select File.
LEGISLATIVE BILL 9. Placed on Select File.

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendment to LB 10:
AM5002

1. On page 3, line 19, after "of" insert "a".

LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 12. Placed on Select File.
LEGISLATIVE BILL 13. Placed on Select File.
LEGISLATIVE BILL 14. Placed on Select File.

LEGISLATIVE BILL 15. Placed on Select File as amended.
E & R amendments to LB 15:
AM5003

1. On page 5, line 11, after "laws" insert ", rules,".

2. On page 10, line 21, strike "sections", show as stricken, and insert "section".

3. On page 14, line 12, after the comma insert "Reissue"; and in line 13 strike "Supplement, 1988" and insert "of Nebraska, 1943".

LEGISLATIVE BILL 16. Placed on Select File.
LEGISLATIVE BILL 17. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 5. Read. Considered.

LR 5 was adopted with 32 ayes, 0 nays, and 17 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 341. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to construction liens; to amend section 52-118, Reissue Revised Statutes of Nebraska, 1943; to change a bond provision for the construction of public buildings; and to repeal the original section.

LEGISLATIVE BILL 342. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to osteopathic medicine; to amend sections 21-2202, 44-513, 44-3103, 71-112.01, 71-139, 71-174, 71-178, 71-1,103, 71-1,105, 71-1,107.01, 71-1,107.06, 71-1,132.05, 71-1,132.06, 71-1,137, 71-1,138, 71-1,139, 71-1,139.01, 71-1,140, 71-1,141, 71-1,240, 71-2601, 71-3506, 71-5402, 71-5855, 81-642, 81-646, and 81-648, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-107, 71-110, 71-111, 71-112, 71-131, 71-162, 71-1,279, 71-2017.01, 71-2802, 71-3503, 71-3505, and 71-3508, Revised Statutes Supplement, 1988; to redefine the practice of osteopathic medicine; to change certain license requirements; to change a provision relating to the scope of practice; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 343. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to mental retardation; to amend sections 83-1,141, 83-1,142, 83-1,143, 83-1,143.02 to 83-1,143.05, and 83-1,144.01, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change the name of the office of mental retardation; to change provisions relating to persons with mental retardation; to authorize services and agreements for services for persons with related disabilities; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to health; to amend sections 28-343, 42-106, 71-604, 71-605, 71-606, 71-612, 71-615, 71-2033 to 71-2035, and 71-5311, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-2045.01, and 71-2225 to 71-2230, Revised Statutes Supplement, 1988; to change provisions relating to forms for registering or reporting births, abortions, marriages, annulments, dissolutions of marriage, and deaths and to obtaining copies of such records; to provide for confidentiality as prescribed; to require a fee; to change provisions relating to application for initial licensure or certification within ninety days prior to the biennial renewal date; to authorize the Department of Health to act as the survey and certification agency for medicare and medicaid purposes; to change the membership of certain councils and a board; to change and eliminate definitions; to change provisions relating to food programs administered by the department; to harmonize provisions; to repeal the original sections, and also sections 71-2209 to 71-2224, Revised Statutes Supplement, 1988; and to declare an emergency.

LEGISLATIVE BILL 345. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-101 and 28-710, Revised Statutes Supplement, 1988; to

grant law enforcement agencies and the Department of Social Services access to suspected victims as prescribed; to harmonize provisions; and to repeal the original sections

LEGISLATIVE BILL 346. Introduced by Hall, 7th District; Labedz, 5th District; Rogers, 41st District; Dierks, 40th District; Lynch, 13th District; Schmit, 23rd District; Lindsay, 9th District; Langford, 36th District; Crosby, 29th District; Beck, 8th District.

A BILL FOR AN ACT relating to education; to amend section 77-2716.01, Revised Statutes Supplement, 1988; to provide a deduction from income for certain educational expenses; to define terms; and to repeal the original section.

LEGISLATIVE BILL 347. Introduced by Rogers, 41st District; Peterson, 21st District; Lamb, 43rd District; Dierks, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-325, 60-505.02, 60-528, 60-569, and 60-570, Reissue Revised Statutes of Nebraska, 1943; to require proof of insurance as prescribed; to change provisions relating to proof of financial responsibility; to provide penalties for failure to have proof of insurance; to provide for the administrative suspension of motor vehicle registrations and operator's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-177, Reissue Revised Statutes of Nebraska, 1943; to redefine chiropractic practice; and to repeal the original section.

LEGISLATIVE BILL 349. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.01 to 44-416.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to credit for and reduction from liability for reinsurance as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01, 81-885.04, 81-885.07, 81-885.11, 81-885.12, 81-885.14, 81-885.17, 81-885.18, 81-885.19, 81-885.24, 81-885.25, 81-885.26, and 81-885.29, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change exemptions from the act as prescribed; to change the compensation of members of the State Real Estate Commission; to change provisions relating to partnerships and corporations engaged in real estate activities; to provide and change requirements for issuance of nonresident licenses; to authorize reciprocal agreements; to change notice requirements; to change provisions relating to branch offices; to require the dating of purchase agreements and offers; to change procedures for certain disciplinary proceedings as prescribed; to provide additional grounds for discipline; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Ashford, 6th District; Hall, 7th District.

A BILL FOR AN ACT relating to storage; to adopt the Self-Service Storage Act.

LEGISLATIVE BILL 352. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to administrative agencies; to amend sections 60-420 and 60-503, Reissue Revised Statutes of Nebraska, 1943; to change appeal procedures; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 353. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to drug product selection; to amend section 71-5403, Reissue Revised Statutes of Nebraska, 1943; to authorize the interchange of certain controlled substances; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1988; to change provisions relating to eligibility for benefits as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 355. 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; to repeal section 71-2017.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

EASE

The Legislature was at ease from 10:29 a.m. until 10:46 a.m.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 3.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 356. Introduced by Landis, 46th District; McFarland, 28th District; Crosby, 29th District; Hall, 7th District; Labedz, 5th District; Schimek, 27th District; Chambers, 11th District; Ashford, 6th District; Schmit, 23rd District; Warner, 25th District; Wesely, 26th District; R. Johnson, 34th District; Lynch, 13th District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to define terms; to state intent and purpose; 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 provide an appropriation; and to declare an emergency.

LEGISLATIVE BILL 357. Introduced by Nelson, 35th District; Smith, 33rd District; Schellpeper, 18th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to nurses; to amend section 77-2716, Revised Statutes Supplement, 1988; to state intent; to provide financial incentives for nursing students and nurses as prescribed; to provide duties for the State Department of Education; to exempt such incentives from state income tax; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the state investment officer; to amend sections 72-1242 and 72-1260, Reissue Revised Statutes of Nebraska, 1943; to authorize venture capital investments and retention of related professional services with the approval of the Nebraska Investment Council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 359. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the state investment officer; to amend section 72-1242, Reissue Revised Statutes of Nebraska, 1943; to require approval of the Nebraska Investment Council instead of the Governor for retention of professional services; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to public assistance; to amend section 12-1106, Reissue Revised Statutes of Nebraska, 1943, and section 68-129, Revised Statutes Supplement, 1988; to increase the amount permitted to be set aside for burial expenses; to provide a personal needs allowance for aged, blind, and disabled persons; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Landis, 46th District; Warner, 25th District; Wehrbein, 2nd District; Schellpeper, 18th District; Hefner, 19th District; L. Johnson, 15th District; Coordsen, 32nd District; Lamb, 43rd District; Moore, 24th District; Elmer, 38th District; Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1344, 77-1361, 77-1366, and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and sections 77-508.01, 77-1359, 77-1363, 77-1364, 77-1365, and 77-1504, Revised Statutes Supplement, 1988; to change provisions relating to categories of

agricultural and horticultural land; to change a provision relating to the valuation of certain income streams as prescribed; to change provisions relating to the computation of capitalization rates used for the valuation of agricultural and horticultural land; to change provisions relating to the membership and duties of the Agricultural Land Valuation Advisory Board; to eliminate a provision relating to the land valuation manual; to harmonize provisions; to repeal the original sections, and also sections 77-1358 and 77-1368, Revised Statutes Supplement, 1988; and to declare an emergency.

LEGISLATIVE BILL 362. Introduced by Wesely, 26th District; Withem, 14th District; Ashford, 6th District.

A BILL FOR AN ACT relating to social services; to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943, and sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, 68-1038, 68-1039, 68-1040, 68-1042, 68-1043, and 68-1509, Revised Statutes Supplement, 1988; to change provisions relating to benefits available to former recipients of aid to dependent children; to change provisions relating to spousal entitlements to assets and income; to eliminate a restriction on designation of assets; to eliminate authorization for a claim against the estate of a recipient of medical assistance or his or her spouse; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 68-1041 and 68-1044 to 68-1046, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 363. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to mental health; to adopt the Rehabilitation and Support Mental Health Services Incentive Act.

LEGISLATIVE BILL 364. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to water; to amend sections 2-15,107, 2-15,110, 2-15,114, 2-15,116, 2-15,117, and 46-2,116.02, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize the Water Management Board to plan, sponsor, construct, own, operate, and maintain water development projects; to provide powers and duties; to rename a fund; to change provisions relating to authorized uses of the fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 365. Introduced by Labedz, 5th District; Lynch, 13th District; Hall, 7th District; Chizek, 31st District; Abboud, 12th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to county fairs; to amend sections 2-222 to 2-224, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the establishment of the county fair; to change a provision relating to the issuance of bonds; to authorize the county board to sit as the county fair board in certain counties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 366. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1744, Reissue Revised Statutes of Nebraska, 1943; to redefine group home; and to repeal the original section.

LEGISLATIVE BILL 367. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-145.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to an employer's failure to obtain workers' compensation insurance; and to repeal the original section.

LEGISLATIVE BILL 368. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to the Nonprofit Corporation Act; to amend section 21-1928, Reissue Revised Statutes of Nebraska, 1943; to authorize the limitation of the liability of certain directors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 369. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 370. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-435 and 79-1334, Reissue Revised Statutes of Nebraska, 1943, section 79-494, Revised Statutes Supplement, 1988, and Laws 1988, LB 940, section 18; to change the method of determining the tax levy for

schools as prescribed; to state intent; to provide for county school operation tax districts; to provide for county school operation tax review boards; to repeal nonresident high school tuition provisions; to harmonize provisions; and to repeal the original sections, and also sections 79-4,105.01 and 79-4,158.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 371. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to beer distribution; to amend section 87-402, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to prohibit certain acts by suppliers and wholesalers; to provide for certain notices; to provide requirements for distribution agreements; to provide for arbitration of disagreements; to provide for applicability; to provide for the enforcement of agreements; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 372. Introduced by Chizek, 31st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to make certain acts relating to the use of financial transaction devices and sales forms unlawful; to define and redefine terms; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to provide distance requirements between the frame and the ground; to provide suspension requirements; to provide a penalty; and to provide an operative date.

RESOLUTION

LEGISLATIVE RESOLUTION 6CA. Introduced by Hall, 7th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, sections 2 and 3.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending 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~~ is for the enactment of a law, it shall be signed by ~~seven~~ ten percent of the registered voters of the state, and if the petition ~~be~~ is for the amendment of the Constitution, the petition ~~therefor~~ shall be signed by ~~ten~~ fifteen percent of ~~such~~ the registered voters of the state. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the 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, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are 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~~ ten percent of the 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~~ fifteen percent of the registered voters of the state distributed as ~~aforesaid~~ required for initiative petitions, 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. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 number of signatures required on initiative and referendum petitions.

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.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 51	Wednesday, January 18, 1989	1:30 p.m.
LB 68	Wednesday, January 18, 1989	1:30 p.m.
LB 231	Wednesday, January 18, 1989	1:30 p.m.
LB 187	Thursday, January 19, 1989	1:30 p.m.
LB 48	Friday, January 20, 1989	1:30 p.m.

(Signed) Don Wesely, Chairperson

Revenue

LB 71	Thursday, January 19, 1989	1:30 p.m.
LB 236	Thursday, January 19, 1989	1:30 p.m.
LB 260	Thursday, January 19, 1989	1:30 p.m.
LB 277	Thursday, January 19, 1989	1:30 p.m.
LB 104	Thursday, January 19, 1989	1:30 p.m.
LB 181	Thursday, January 19, 1989	1:30 p.m.
LB 88	Wednesday, January 18, 1989	1:30 p.m.
LB 67	Wednesday, January 18, 1989	1:30 p.m.
LB 197	Wednesday, January 18, 1989	1:30 p.m.
LB 63	Wednesday, January 18, 1989	1:30 p.m.
LB 103	Wednesday, January 18, 1989	1:30 p.m.
LB 133	Wednesday, January 18, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

Government, Military and Veterans Affairs

LB 177	Wednesday, January 18, 1989	1:30 p.m.
LB 189	Wednesday, January 18, 1989	1:30 p.m.
LB 91	Wednesday, January 18, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Natural Resources

LB 168	Wednesday, January 18, 1989	1:30 p.m.
LB 169	Wednesday, January 18, 1989	1:30 p.m.
LB 170	Wednesday, January 18, 1989	1:30 p.m.
LB 251	Wednesday, January 18, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

MOTION - Rerefer LB 54

Mr. Weihing moved to rerefer LB 54 from the Agriculture Committee to the Health and Human Services Committee.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 280 through 323 and Governor appointments.

LB	Committee
280	Transportation
281	Transportation
282	Transportation
283	Transportation
284	Transportation
285	Transportation
286	Natural Resources
287	Nebraska Retirement Systems
288	Business & Labor
289	Natural Resources
290	Health & Human Services
291	Government, Military & Veterans Affairs
292	Revenue
293	Natural Resources
294	Revenue
295	Banking, Commerce & Insurance
296	Banking, Commerce & Insurance
297	Banking, Commerce & Insurance
298	General Affairs
299	Revenue
300	Health & Human Services
301	Appropriations
302	Appropriations
303	Appropriations
304	Appropriations
305	Appropriations
306	Government, Military & Veterans Affairs
307	Appropriations
308	Appropriations
309	Appropriations
310	Appropriations
311	Banking, Commerce & Insurance
312	Education
313	Business & Labor
314	Natural Resources
315	Business & Labor
316	Business & Labor

317 Appropriations
318 Banking, Commerce & Insurance
319 Banking, Commerce & Insurance
320 Banking, Commerce & Insurance
321 Banking, Commerce & Insurance
322 Banking, Commerce & Insurance
323 Health & Human Services

Government, Military and Veterans Affairs
Ruth Ann Connell, Hall of Fame Commission

Health and Human Services
Nancy A. Nielsen, Child Abuse Prevention Fund Board
Robert D. Harry, Rural Health Manpower Commission

General Affairs
Pauline M. Dye, Nebraska Arts Council
Susan K. Renken, Nebraska Arts Council

Natural Resources
Lawrence R. Myers, Power Review Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Conway announced the Building Maintenance Committee elected Mrs. Nelson as Vice Chairperson.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and Wehrbein asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

AM0004

1. Insert the following new section:

"Sec. 14. That section 77-1506.02, Revised Statutes Supplement, 1988, 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 on and after assessment year 1990 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.

For assessment year 1989, the Department of Revenue shall calculate an adjustment factor for all land use categories of agricultural land. On or before May 1, 1989, the department shall provide such adjustment factor to each county board of equalization. The adjustment factor shall be calculated in order to adjust the value found in the 1989 agricultural land manual to comply with the actual value standard prescribed in section 77-112. The county board of equalization shall use such adjustment factor to determine the actual value of agricultural land. The county board of equalization may adjust the actual value of agricultural land so determined in order to equalize agricultural land value with that of other property classes.".

2. On page 21, line 15, strike "and"; and in line 16 after the first comma insert "and 77-1506.02,".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 277. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 58. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 223. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 277. No objections. So ordered.

VISITOR

Visitor to the Chamber was Mark Gibson, Director of the office of the Speaker of the Oregon Senate.

ADJOURNMENT

At 10:55 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, January 12, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 12, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett 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. Chizek, Hall, and Mrs. Labedz who were excused; and Messrs. Abboud, Ashford, McFarland, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 39	Tuesday, January 24, 1989	1:30 p.m.
LB 37	Tuesday, January 24, 1989	1:30 p.m.
LB 120	Tuesday, January 24, 1989	1:30 p.m.
LB 161	Tuesday, January 31, 1989	1:30 p.m.
LB 49	Tuesday, January 31, 1989	1:30 p.m.

LB 83	Tuesday, January 31, 1989	1:30 p.m.
LB 117	Tuesday, January 31, 1989	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Natural Resources

Governor Appointment Thursday, January 19, 1989 1:30 p.m.
Lawrence R. Myers - Power Review Board

LB 45	Thursday, January 19, 1989	1:30 p.m.
LB 271	Thursday, January 19, 1989	1:30 p.m.
LB 199	Thursday, January 19, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

REPORT

Received biennial report from the State Treasurer in accordance with Statute 84-602.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 5.

RESOLUTION

LEGISLATIVE RESOLUTION 4. Read. Considered.

LR 4 was adopted with 34 ayes, 0 nays, and 15 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 374. Introduced by Goodrich, 20th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 83-1002, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to provide for the involuntary commitment of certain persons as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 375. Introduced by Hannibal, 4th District; Wesely, 26th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to change an administrative fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 376. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to require laboratories to obtain permits prior to testing in this state as prescribed; to provide exceptions; to provide procedures; to provide duties for the Department of Health; to authorize fees; to create an advisory committee; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 377. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to the rule against perpetuities; to adopt the Uniform Statutory Rule Against Perpetuities Act.

LEGISLATIVE BILL 378. Introduced by Schellpeper, 18th District; Dierks, 40th District.

A BILL FOR AN ACT relating to the Department of Health; to create the Office of Rural Health; to establish an advisory committee; to provide powers and duties for the office and committee; and to provide for funding the office.

LEGISLATIVE BILL 379. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1308.01, Reissue Revised Statutes of Nebraska, 1943; to authorize investment through repurchase agreements; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend sections 44-4222, 44-4227, and 44-4228, Reissue Revised Statutes of Nebraska, 1943; to eliminate coverage for

certain persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to tractor testing; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 382. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-705, Reissue Revised Statutes of Nebraska, 1943; to authorize payment of circulators of petitions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 383. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to water; to amend sections 2-3222, 2-3226, 2-3229, 2-3232, 2-3233, 33-105, 46-122, 46-205, 46-210, 46-212.02, 46-229, 46-231, 46-233, 46-233.02 to 46-236, 46-240.01 to 46-242, 46-250, 46-259, 46-2,108, 46-606, 46-637, 46-651, 46-654, 46-657, 46-666, 46-673.09, and 66-1105, Reissue Revised Statutes of Nebraska, 1943, and section 2-3219, Revised Statutes Supplement, 1988; to state intent; to change provisions relating to the approval and renewal of permits for water uses and transfers; provide powers and duties; to provide a penalty; to change certain powers of natural resources districts; to provide and change fees; to change provisions relating to priority dates; to authorize additional controls in a control or management area; to harmonize provisions; to eliminate provisions relating to a study of water transfers, restrictions on water taken from a stream, use of water in other states, and intrabasin and interbasin transfers; to eliminate the Municipal and Rural Domestic Ground Water Transfers Permit Act and the Industrial Ground Water Regulatory Act; and to repeal the original sections, and also sections 2-15,118, 2-15,120, 46-206, 46-233.01, 46-288 to 46-294, 46-613.01, 46-613.02, 46-638 to 46-650, and 46-675 to 46-690, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,119, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 384. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to water; to amend sections 33-105 and 46-2,108, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for approval of a conservation proposal and of the right to use conserved water; to provide powers and duties; to provide a fee; to authorize an instream appropriation; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 385. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to water; to state intent; to encourage voluntary transfers of water and water rights; to provide a clearinghouse for such transfers; and to provide powers and duties.

LEGISLATIVE BILL 386. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to special education; to amend sections 79-3302 and 79-3314, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by L. Johnson, 15th District; Weihing, 48th District; Baack, 47th District; Dierks, 40th District.

A BILL FOR AN ACT relating to reserves and sanctuaries for game and fish; to amend sections 37-413 and 37-420, Reissue Revised Statutes of Nebraska, 1943; to prohibit the operation of motorized vessels on game refuges during certain months; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943; to change the age for voluntary membership in the State Employees Retirement System; and to repeal the original section.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 18. Placed on Select File as amended.
E & R amendments to LB 18:
AM5006

1. On page 1, line 12, after the semicolon insert "to eliminate a provision relating to the substitution of terms;"; and in line 13 after "sections" insert ", and also section 84-1221, Reissue Revised Statutes of Nebraska, 1943".

2. On page 13, line 6, reinstate the stricken "board" and strike the new matter.

3. On page 14, line 16, after the comma insert "and also section 84-1221, Reissue Revised Statutes of Nebraska, 1943,".

LEGISLATIVE BILL 19. Placed on Select File.
LEGISLATIVE BILL 20. Placed on Select File.
LEGISLATIVE BILL 21. Placed on Select File.

LEGISLATIVE BILL 22. Placed on Select File as amended.
E & R amendments to LB 22:
AM5007

1. On page 1, line 13, after the second semicolon insert "to eliminate an obsolete reference to county boards of public welfare;".

2. On page 4, line 11, strike "subsection", show as stricken, and insert "subdivision".

3. On page 9, line 18, after the semicolon insert "and"; and strike beginning with "To" in line 19 through "(7)" in line 25 and show the old matter as stricken.

LEGISLATIVE BILL 23. Placed on Select File.
LEGISLATIVE BILL 24. Placed on Select File.

LEGISLATIVE BILL 25. Placed on Select File as amended.
E & R amendment to LB 25:
AM5004

1. On page 2, line 18, strike "60-2039" and insert "60-2139".

LEGISLATIVE BILL 26. Placed on Select File as amended.
E & R amendment to LB 26:
AM5005
1. On page 3, line 14, strike the first underscored comma.

LEGISLATIVE BILL 27. Placed on Select File.
LEGISLATIVE BILL 28. Placed on Select File.
LEGISLATIVE BILL 29. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

MOTION - Rerefer LB 54

Mr. Weihing renewed his pending motion found in the Journal on page 194 to rerefer LB 54 from the Agriculture Committee to the Health and Human Services Committee.

Mr. Weihing moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on the motion to rerefer.

Voting in the affirmative, 20:

Ashford	Byars	Landis	Robak	Wehrbein
Baack	Goodrich	McFarland	Schimek	Weihing
Beck	Hefner	Nelson	Scofield	Wesely
Bernard-Stevens	Johnson, L.	Pirsch	Smith	Withem

Voting in the negative, 21:

Barrett	Elmer	Korshoj	Lindsay	Rogers
Beyer	Haberman	Kristensen	Lynch	Schellpeper
Conway	Hartnett	Lamb	Moore	Schmit
Coordsen	Johnson, R.	Langford	Morrissey	Warner
Crosby				

Present and not voting, 4:

Chambers	Dierks	Hannibal	Peterson

Excused and not voting, 4:

Abboud Chizek Hall Labedz

The motion to rerefer lost with 20 ayes, 21 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis 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 389. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1222, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the payment of continuing education expenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 390. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2734.04, Revised Statutes Supplement, 1988; to exclude certain affiliated corporation from inclusion in a required report of a corporation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1110, Reissue Revised Statutes of Nebraska, 1943; to add an exemption from registration as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 392. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to schools; to require teacher and administrator certificate candidates to have a minimum amount of course work in special education as prescribed.

LEGISLATIVE BILL 393. Introduced by Baack, 47th District; Ashford, 6th District.

A BILL FOR AN ACT relating to schools; to amend section 79-3349, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement of attorney's fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by Schimek, 27th District; Weihing, 48th District; Lindsay, 9th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and safety; to amend section 60-302, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1635 and 81-1641, Revised Statutes Supplement, 1988; to provide for motor vehicle safety inspections and emissions testing; to state intent; to define terms; to provide procedures for such inspections and testing; to provide for rules and regulations; to provide duties for the Department of Motor Vehicles and the Department of Environmental Control; to prohibit certain acts; to establish fees; to create a fund; to provide for funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Peterson, 21st District; Schellpeper, 18th District; Dierks, 40th District; Hefner, 19th District; Korshoj, 16th District; Conway, 17th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650.07, Revised Statutes Supplement, 1988; to change provisions relating to the use of a tax levy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 396. 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 sections.

LEGISLATIVE BILL 397. Introduced by Chambers, 11th District; Dierks, 40th District.

A BILL FOR AN ACT relating to athletics; to state intent; to provide due process requirements for collegiate athletic associations, colleges, and universities as prescribed; to prohibit certain acts; to provide for violations of such prohibited acts; to prohibit retaliatory actions; and to provide for judicial review as prescribed.

LEGISLATIVE BILL 398. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to state colleges; to amend section 85-316, Revised Statutes Supplement, 1988; to change a provision relating to claims for traveling expenses to other states as prescribed; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of house arrest for certain crimes; and to repeal the original section.

LEGISLATIVE BILL 400. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to divorce and annulment actions; to amend section 42-347, Reissue Revised Statutes of Nebraska, 1943; to authorize name changes during the pendency of certain proceedings; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to divorce and annulment actions; to amend section 42-347, Reissue Revised Statutes of Nebraska, 1943; to authorize name changes during the pendency of certain proceedings; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 402. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-221, Reissue Revised Statutes of Nebraska, 1943; to authorize voter registration at offices of certain agencies, organizations, and associations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 403. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to income taxes; to provide a rebate as prescribed; and to declare an emergency.

LEGISLATIVE BILL 404. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943; to decrease the sales tax rate as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.01, 77-2714, 77-2715, 77-2715.01, 77-2716, 77-2724, 77-2725, 77-2729, 77-2730, 77-2732, 77-2733, 77-2734.01, 77-2734.02, 77-2734.04, 77-2753, 77-2761, 77-2765, 77-2775, 77-2781, 77-2786, and 77-2793, Revised Statutes Supplement, 1988; to change provisions relating to the computation of income tax; to change the rate of tax; to provide for adjustments to the rate; to change credits; to change and eliminate adjustments; to define terms; to change a provision relating to withholding; to provide for joint returns; to eliminate definitions; to eliminate rate schedules; to eliminate provisions dealing with partial-year residents; to eliminate a duty of the Tax Commissioner; to provide an operative date; and to repeal the original sections, and also sections 77-2714.01, 77-2715.02, 77-2715.07, 77-2716.01, 77-2733.01, and 77-27,119.02, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 406. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2715.07, and 77-2716.01, Revised Statutes Supplement, 1988; to change provisions relating to the computation of the income tax rates, income tax credits, and income tax exemptions; to provide an operative date; and to repeal the original sections.

EASE

The Legislature was at ease from 9:54 a.m. until 10:18 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 407. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to labor; to amend section 48-1229, Reissue Revised Statutes of Nebraska, 1943; to redefine the term employer; and to repeal the original section.

LEGISLATIVE BILL 408. Introduced by Barrett, 39th District; Hefner, 19th District; Schimek, 27th District.

A BILL FOR AN ACT relating to youth; to adopt the Youth Leadership Academy Act and the Nebraska Student Exchange Act.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 165	Thursday, January 19, 1989	1:30 p.m.
LB 257	Thursday, January 19, 1989	1:30 p.m.
LB 255	Thursday, January 19, 1989	1:30 p.m.
LB 256	Thursday, January 19, 1989	1:30 p.m.
LB 223	Friday, January 20, 1989	1:30 p.m.
LB 254	Friday, January 20, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 324 through 373.

LB	Committee
324	Government, Military & Veterans Affairs
325	Natural Resources
326	Banking, Commerce & Insurance
327	Government, Military & Veterans Affairs
328	Judiciary
329	Revenue
330	Judiciary
331	Judiciary
332	Revenue

333	Banking, Commerce & Insurance
334	Banking, Commerce & Insurance
335	Revenue
336	Education
337	Education
338	Health & Human Services
339	Natural Resources
340	Government, Military & Veterans Affairs
341	Judiciary
342	Health & Human Services
343	Health & Human Services
344	Health & Human Services
345	Judiciary
346	Revenue
347	Transportation
348	Health & Human Services
349	Banking, Commerce & Insurance
350	Banking, Commerce & Insurance
351	Judiciary
352	Government, Military & Veterans Affairs
353	Health & Human Services
354	Health & Human Services
355	Health & Human Services
356	Banking, Commerce & Insurance
357	Education
358	Banking, Commerce & Insurance
359	Banking, Commerce & Insurance
360	Health & Human Services
361	Revenue
362	Health & Human Services
363	Health & Human Services
364	Natural Resources
365	Agriculture
366	Health & Human Services
367	Business & Labor
368	Judiciary
369	Transportation
370	Education
371	General Affairs
372	Judiciary
373	Transportation

LR	**Committee**
6CA	Government, Military & Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Schellpeper asked unanimous consent to have his name added as co-introducer to LB 209. No objections. So ordered.

Messrs. R. Johnson and Morrissey asked unanimous consent to have their names added as co-introducers to LB 325. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as co-introducer to LB 111. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 268. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 271. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 335. No objections. So ordered.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 2, Section 2 to permit consideration of the proposed rule change regarding bill introduction by the LR 5 committee.

Laid over.

PROPOSED RULE CHANGE

Messrs. Schmit and Chambers offered the following proposed rule change:

to amend Rule 5, Sec. 4 (c) to read as follows:

(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. The special committee created by Legislative Resolution 5 on January 11, 1989, regarding the Franklin Credit Union investigation and matters related thereto, may introduce bills at any time during the course of the 1989 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.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 409. Introduced by Barrett, 39th District; Hefner, 19th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Small Business Incubator Act.

ADJOURNMENT

At 10:26 a.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Friday, January 13, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 13, 1989

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 13, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 13, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Michael Combs, Mt. Zion Missionary Baptist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Byars, Chambers, Conway, Elmer, Goodrich, Hall, R. Johnson, Landis, Lynch, McFarland, Morrissey, Warner, Wesely, Mrs. Labedz, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

COMMUNICATIONS

January 12, 1989

Senator Bernice Labedz, Chairperson
Executive Board
2010 State Capitol Building
Lincoln, NE 68509

Dear Senator Labedz:

Enclosed is a communication I received from Mr. William Swanson, Corporation Secretary, University of Nebraska Board of Regents. The communication involves the University Health Care Project at the University of Nebraska Medical Center.

I am forwarding this communication on to you for reference to the appropriate standing committee.

With kind regards.

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

PJO:r
Enc.

January 11, 1989

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

Dear Mr. O'Donnell:

On December 10, 1988, the Board of Regents of the University of Nebraska approved revised need statements for the University Health Care Project and for the Lot 2 Parking Structure at the University of Nebraska Medical Center. The total estimated cost of the University Health Care Project is $41,700,000 and the total estimated cost of the Lot 2 Parking Structure is $6,100,000. Copies of the revised need statements approved by the Board for these projects are attached.

Due to the magnitude of these two proposed projects of the University of Nebraska Medical Center, the Board of Regents respectfully requests that the Legislature adopt an appropriate resolution approving the plans for these projects.

Should the Legislature require additional information regarding this matter, please contact Donald S. Leuenberger, Vice Chancellor for Business and Finance, University of Nebraska Medical Center, 5001 Wittson Hall, 42nd and Dewey, Omaha, Nebraska 68105, phone 559-6300.

Respectfully submitted,

The Board of Regents of
the University of Nebraska
(Signed) William F. Swanson
Corporation Secretary

Attachments
xc: Members of the Board of Regents
Vice President Seagren
Vice Chancellor Leuenberger

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 43	Wednesday, January 25, 1989	1:30 p.m.
LB 113	Wednesday, January 25, 1989	1:30 p.m.
LB 166	Wednesday, January 25, 1989	1:30 p.m.
LB 171	Wednesday, January 25, 1989	1:30 p.m.
LB 172	Wednesday, January 25, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LB 92	Monday, January 23, 1989	1:30 p.m.
LB 279	Monday, January 23, 1989	1:30 p.m.
LB 297	Monday, January 23, 1989	1:30 p.m.
LB 295	Monday, January 23, 1989	1:30 p.m.
LB 318	Monday, January 23, 1989	1:30 p.m.
LB 221	Tuesday, January 24, 1989	1:30 p.m.
LB 272	Tuesday, January 24, 1989	1:30 p.m.
LB 296	Tuesday, January 24, 1989	1:30 p.m.
LB 321	Tuesday, January 24, 1989	1:30 p.m.
LB 322	Tuesday, January 24, 1989	1:30 p.m.

(Signed) David Landis, Chairperson

Judiciary

LB 159	Thursday, January 26, 1989	1:30 p.m.
LB 210	Thursday, January 26, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Education

LB 183	Monday, January 23, 1989	1:30 p.m.
LB 74	Monday, January 23, 1989	1:30 p.m.
LB 134	Monday, January 23, 1989	1:30 p.m.
LB 312	Monday, January 23, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

REPORTS

Received final report of the Nebraska Commission for Special Education from the Policy Research Office pursuant to R.R.S. 1943 c. 79, art. 32.

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of December, 1988, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Received annual report of Disabled Persons and Family Support Program from the Department of Social Services pursuant to Section 68-1518.

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
Tri-Basin	
Anderson, Strasburger, Klein, etc.	$2,651.77

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 4.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 102. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. Mr. Barrett requested a machine vote on the E & R amendments.

E & R amendments, AM5000, found in the Journal on page 182 for the Fifth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 5. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 6. E & R amendments, AM5001, found in the Journal on page 182 for the Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 8. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 9. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 10. E & R amendment, AM5002, found in the Journal on page 182 for the Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 12. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 13. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 14. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 15. E & R amendments, AM5003, found in the Journal on page 182 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 16. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 17. Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARING
Transportation

LB 115	Monday, January 23, 1989	1:30 p.m.
LB 128	Monday, January 23, 1989	1:30 p.m.
LB 283	Monday, January 23, 1989	1:30 p.m.
LB 284	Monday, January 23, 1989	1:30 p.m.
LB 101	Tuesday, January 24, 1989	1:30 p.m.
LB 114	Tuesday, January 24, 1989	1:30 p.m.
LB 122	Tuesday, January 24, 1989	1:30 p.m.

(Signed) Howard Lamb, 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 12, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Andrew, M. Jean - Lincoln	Aspen Executive Service
	Nebraska Vocational Association
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Alliance of American Insurers
	Better Nebraska Association
	Lower Platte South Natural Resources District
	Nebraska State Education Association
	Security Investment Company
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Thoroughbred of Nebraska, Inc.
Dickinson, Babette - Beatrice	Junior Leagues of Nebraska
Edmunds, Jerry G. - Lincoln	Transportation Communications Union
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	American Petroleum Institute
	First Federal Lincoln

	Nebraska Podiatric Medical Association
Litjen, Thomas R. - Omaha	Archbishop Bergan Mercy Hospital
	Commercial Federal Corporation
	Committee of Association of Independent Colleges and Universities of Nebraska
	Governors of the Knights of Ak-Sar-Ben
	Health Future Foundation
Merritt, Jack C. - Lincoln	Lancaster County Board of Commissioners
Miesbach, Neal L. - Omaha	Nebraska Driver Safety Education Association
Mihovk, Donald J. - Omaha	Northern Natural Gas Company, an Enron Company
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Nebraska Mortgage Association
	Nebraska Petroleum Marketers, Inc.
Oberg, Jon H. - Lincoln	Association of Independent Colleges & Universities, Inc.
Radcliffe, Walter/Tews & Radcliffe	
Radcliffe, Walter H. - Lincoln	Intermark Gaming International
Rall, Frank - Lincoln	Nebraska Public Power District
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Nebraska Mortgage Association
	Nebraska Petroleum Marketers, Inc.
Ryan, James E./James E. Ryan, P.C. - Lincoln	
	Nebraska Beer Wholesalers' Association
Sailors, Scott M. - Lincoln	Nebraska Association of County Officials
Sanne, Richard D. - Lincoln	Nebraska Grain and Feed Association
Skochdopole, R. A. - Omaha	Archbishop Bergan Mercy Hospital
	Commercial Federal Corporation
	Committee of Association of Independent Colleges and Universities of Nebraska
	Governors of the Knights of Ak-Sar-Ben
	Health Future Foundation
Vickers, Tom - Lincoln	Common Cause/Nebraska
	Nebraska Asso. of Naturopathic Physicians
Wylie, William M. - Elgin	Nebraska Insurance Information Service

MOTION - Suspend Rules

Mr. Chambers renewed his pending motion found in the Journal on page 212 to suspend the rules, Rule 2, Section 2 to permit consideration of the proposed rule change regarding bill introduction by the LR 5 committee.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

PROPOSED RULE CHANGE

Messrs. Schmit and Chambers renewed their proposed rule change found in the Journal on page 212.

The rule change was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

EASE

The Legislature was at ease from 9:37 a.m. until 9:53 a.m.

MR. COORDSEN PRESIDING

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 374 through 409.

LB	Committee
374	Health & Human Services
375	Revenue
376	Health & Human Services
377	Judiciary
378	Health & Human Services
379	Education
380	Banking, Commerce & Insurance
381	Agriculture
382	Government, Military & Veterans Affairs
383	Natural Resources
384	Natural Resources
385	Natural Resources
386	Education
387	Natural Resources
388	Nebraska Retirement Systems
389	Government, Military & Veterans Affairs
390	Revenue
391	Banking, Commerce & Insurance
392	Education

393 Education
394 Transportation
395 Education
396 Judiciary
397 Judiciary
398 Education
399 Judiciary
400 Judiciary
401 Judiciary
402 Government, Military & Veterans Affairs
403 Revenue
404 Revenue
405 Revenue
406 Revenue
407 Business & Labor
408 Government, Military & Veterans Affairs
409 Government, Military & Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

January 13, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Reference your letter of January 12, 1989, regarding the communication received from the University Board of Regents concerning the University Health Care Project at the University of Nebraska Medical Center.

The Referencing Committee, this date, has referred the communication to the Appropriations Committee for appropriate action.

Sincerely,
(Signed) Bernice Labedz
Chairperson

Executive Board

BL:jw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 30. Placed on Select File.
LEGISLATIVE BILL 31. Placed on Select File.

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:
AM5008

1. Insert the following new sections:

"Sec. 2. That section 83-372, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-372. It shall be the duty of the county board in each county, ~~acting as the county board of public welfare,~~ to make such investigation as the department may require with regard to the ability to pay of any patient or relative of a patient who resides within the county. In making such investigation, the county board shall act in accordance with the rules and regulations of the department and shall promptly submit the required information to the department.

Sec. 3. That section 83-374, Revised Statutes Supplement, 1988, be amended to read as follows:

83-374. Any patient or relative aggrieved by a determination of ability to pay may request a hearing before the director. The department shall adopt and promulgate rules and regulations to govern the conduct of such hearings. The director may appoint an examiner who shall have power to preside at such hearing, administer oaths, examine witnesses, and take testimony and shall report the same to the director. Such hearings shall be held in the county in which the person requesting the hearing resides, if such person so requests, in which event it shall be the duty of the county board ~~of public welfare~~ to attend such hearing. The director shall deliver his or her decision within sixty days after the conclusion of the hearing. Any patient or relative aggrieved by a decision following a hearing may appeal such decision, and such appeal shall be in accordance with the Administrative Procedure

Act.".

2. On page 1, line 1, strike "jails" and insert "welfare" and strike "section 47-408" and insert "sections 47-408 and 83-372"; in line 2 after "1943" insert ", and section 83-374, Revised Statutes Supplement, 1988"; in line 3 strike "a reference" and insert "references"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 9, strike "section 47-408" and insert "sections 47-408 and 83-372"; and in line 10 strike "is" and insert "and section 83-374, Revised Statutes Supplement, 1988, are".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 33. Placed on Select File as amended.
E & R amendments to LB 33:
AM5009

1. On page 8, line 24, after the third comma insert "and" and strike the fourth comma and show as stricken.

2. On page 16, line 16, after both commas insert "as a".

3. On page 17, lines 4 and 5, strike "metropolitan" and show as stricken and after "city" insert "of the metropolitan class".

4. On page 19, line 1, after the comma insert "in the".

5. On page 20, line 17, strike the underscored comma; and in line 18 strike the comma and show as stricken.

6. On page 24, line 15, after both commas insert "as a"; and in line 17 strike the comma and show as stricken.

7. On page 29, line 22, after the comma insert "as"; and in line 23 strike "or" and insert "as".

8. On page 33, line 13, strike the comma and show as stricken; in line 14 strike "and" and show as stricken; in line 17 reinstate the stricken comma; in lines 21 and 22 strike the comma and show as stricken; and in line 23 strike "class,", show as stricken and insert "and" and strike the last comma and show as stricken.

9. On page 37, line 17, strike the comma and

show as stricken.

10. On page 38, line 20, strike "executors", show as stricken, and insert "personal representatives".

11. On page 39, line 3, after "governmental" insert "or".

12. On page 40, line 6, strike the second comma.

13. On page 50, line 20, after "Loan" insert "Insurance".

14. On page 51, line 25, reinstate the stricken "bank".

15. On page 52, line 25, strike the comma and show as stricken.

16. On page 55, lines 9 and 22, strike the comma and show as stricken; and in line 11 strike the second comma and show as stricken.

17. On page 56, line 14, strike the comma and show as stricken.

18. On page 56, lines 14 and 18 and 19; page 74, lines 5 and 6; page 75, line 6; page 80, line 18; page 82, line 12; page 83, line 21; and page 86, lines 17 and 25, strike "investment company" and insert "financial institution".

19. On page 65, line 1, strike the comma and show as stricken.

20. On page 71, line 6, strike "Reissue"; and in line 7 strike "of Nebraska, 1943" and insert "Supplement, 1988".

21. On page 75, line 4, strike the comma and show as stricken; and in line 10 strike the first comma and show as stricken.

22. On page 79, line 11, after "village" insert an underscored comma.

23. On page 81, line 5, strike the comma and show as stricken.

24. On page 82, line 23; and page 83, line 2, strike "investment companies" and insert "financial institutions".

25. On page 83, line 8, strike the first comma and show as stricken.

LEGISLATIVE BILL 34. Placed on Select File as amended.
E & R amendments to LB 34:
AM5010

1. On page 1, line 2; and page 60, line 16, after "37-204" insert ", 37-205".

2. On page 16, line 1, strike "to", show as stricken, and insert "through".

3. On page 23, line 4, strike "to" and show as stricken; and in line 5 strike the last comma and show as stricken.

4. On page 24, line 5, after "person" insert as underscored comma; in line 9 strike "buyers" and insert "buyer's"; and in line 13 after "commission" insert an underscored comma.

5. On page 26, line 24, reinstate the second stricken comma.

6. On page 27, line 10, after "state" insert "of"; and in line 17 strike "fix, prescribe", show as stricken, and insert "adopt, promulgate".

7. On page 28, line 24, strike the last comma and show as stricken.

8. On page 30, line 10, after "a" insert "game and".

9. On page 34, line 14, after the first comma insert "to".

10. On page 36, line 3, strike the comma and show as stricken.

11. On page 48, line 6, strike the second comma and show as stricken.

(Signed) John C. Lindsay, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 410. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-140 and 48-141, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to modification of agreements or awards; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-818, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the commission's power to issue orders; and to repeal the original section.

LEGISLATIVE BILL 412. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the minimum wage rate for persons compensated by way of gratuities; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-656, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty on employers who fail to file reports and schedules as prescribed; and to repeal the original section.

LEGISLATIVE BILL 415. Introduced by Coordsen, 32nd District; Hefner, 19th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disqualifications of an individual for benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 416. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,149 and 39-6,151, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to flashing or rotating lights on emergency and other vehicles as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to license plates; to amend section 60-311.14, Reissue Revised Statutes of Nebraska, 1943; to provide for license plates for every vehicle owned by a disabled or handicapped person as prescribed; and to repeal the original section.

LEGISLATIVE BILL 418. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change the length of the terms of members; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Bernard-Stevens, 42nd District; Scofield, 49th District; Moore, 24th District; Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to railroads; to amend section 74-902, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the hours an employee may work; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to juveniles; to amend sections 14-102, 15-263, 17-207, 20-143, 28-107, 29-501, 29-610.02, 29-743, 29-2402, 29-2404, 29-2405, 29-2406, 29-2919, 29-3307, 39-669.02, 39-669.04, 39-669.05, 39-669.17, 39-669.27, 39-669.28, 39-6,190, 43-245, 43-247, 43-251, 43-255, 43-256, 43-281, 43-286, 43-287,

47-117, 49-801, 53-180.04, 60-430.05, 83-4,125, and 86-309, Reissue Revised Statutes of Nebraska, 1943, and sections 17-118, 28-106, 29-2204, 29-2206, 29-2252, 29-2262, 29-2262.01, 29-2403, and 29-2412, Revised Statutes Supplement, 1988; to require the confinement of certain juveniles in separate juvenile detention facilities as prescribed; to change provisions relating to the jurisdiction of the juvenile court; to limit the placement of juveniles in adult jails or correctional facilities; to change provisions relating to evaluation of certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 421. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the annexation of land; to harmonize provisions; and to repeal the original sections and also section 16-118, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 422. Introduced by Abboud, 12th District; Byars, 30th District; Ashford, 6th District; Goodrich, 20th District; Dierks, 40th District; Crosby, 29th District; Beck, 8th District; Lynch, 13th District; Schellpeper, 18th 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 state intent; to define terms; to authorize counties to establish community service programs as prescribed; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 423. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to fraud; to adopt the Uniform Fraudulent Transfer Act; to repeal the Uniform Fraudulent Conveyance Act; and to repeal sections 36-601 to 36-613, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 424. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to drunk driving; to amend sections 39-669.07, 39-669.08, 39-669.16, 39-669.27, and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to provide for the installation

of ignition interlock devices as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 425. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to x-ray systems; to amend Laws 1988, LB 1100, section 180; to change the operative date of provisions regulating system operators; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 426. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1725, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 427. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to education; to adopt the Postsecondary Enrollment Options Act.

LEGISLATIVE BILL 428. Introduced by Bernard-Stevens, 42nd District; Schimek, 27th District; Wesely, 26th District.

A BILL FOR AN ACT relating to microscopy and microanalysis; to state findings and policy; to establish the Nebraska Central Facility for Microscopy and Microanalysis; to establish the position of Director of the Nebraska Central Facility for Microscopy and Microanalysis; to create a committee; to provide duties; and to appropriate funds.

LEGISLATIVE BILL 429. Introduced by Baack, 47th District; Elmer, 38th District; Schellpeper, 18th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5801 to 71-5804, 71-5805.01, 71-5810, 71-5813, 71-5821.01, 71-5828 to 71-5832, 71-5833, 71-5834 to 71-5836.01, 71-5837, 71-5838, 71-5840, 71-5843, 71-5844, 71-5845, 71-5846, 71-5848, 71-5851, 71-5859, 71-5865, 71-5867 to 71-5870, 71-5872, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1637, 71-5842, 71-5866, and 81-651, Revised Statutes Supplement, 1988; to define and redefine

terms; to change requirements for certificates of need as prescribed; to change provisions relating to application, review, and appeal procedures; to change a fee; to change and provide duties for the Certificate of Need Review Committee; to provide a termination date for certain provisions; to eliminate exemptions from certificate of need requirements; to eliminate provisions relating to health maintenance organizations; to eliminate the Certificate of Need Appeals Panel; to harmonize provisions; and to repeal the original sections, and also sections 71-5832.02, 71-5844.01, 71-5847, 71-5850, 71-5858, and 71-5860 to 71-5864, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 430. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to state intent; and to provide for long-term appropriations for certain economic development activities as prescribed.

LEGISLATIVE BILL 431. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Connection Network Act.

LEGISLATIVE BILL 432. Introduced by Wesely, 26th District; Korshoj, 16th District; McFarland, 28th District.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-419 and 50-702, Reissue Revised Statutes of Nebraska, 1943; to require an annual report concerning the Employment and Investment Growth Act; to provide for the establishment and implementation of a monitoring and review system for economic development programs; to provide duties for the Legislative Fiscal Analyst and Performance Review and Audit Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 433. Introduced by Wesely, 26th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.09, Revised Statutes Supplement, 1988; to limit the adjustment to income for capital gains as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Schimek, 27th District; Smith, 33rd District.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend sections 87-303.08, 87-307, and 87-308, Revised Statutes Supplement, 1988; to change a penalty; to define a term; to change a fee and provide for a refund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Conway, 17th District; Baack, 47th District; R. Johnson, 34th District; Moore, 24th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-1447, 49-1449, 49-1450, 49-1451, 49-1462, 49-1484, 49-14,118, 49-14,123, and 49-14,133, Reissue Revised Statutes of Nebraska, 1943; to eliminate enforcement duties of the commission as prescribed; to eliminate late filing fees; to harmonize provisions; and to repeal the original sections, and also sections 49-1446.03, 49-1463, 49-1463.01, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 436. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the term retail sale; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 437. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Revised Statutes Supplement, 1988; to limit the receipt of incentives, refunds, or tax credits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 438. Introduced by Wehrbein, 2nd District; Hall, 7th District.

A BILL FOR AN ACT relating to education; to amend sections 79-328, 79-1903, 79-1904, 79-1908, 79-1910.01, 79-1911, 79-2001, 79-2003, 79-2004, 79-2005, 79-2007, 79-2009.01, 79-3330, and 79-3333, Reissue Revised Statutes of Nebraska, 1943; to require the state to fund certain schools as prescribed; to harmonize provisions;

to repeal the original sections, and also section 79-3331, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 439. 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 to 71-5836.01, 71-5837, 71-5838, 71-5840, 71-5841, 71-5843, 71-5844, 71-5845, 71-5858, 71-5859, 71-5863, 71-5865, 71-5867, 84-205, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1637, 71-5842, 71-5866, and 81-651, Revised Statutes Supplement, 1988; 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 change the public meeting requirement; to create the Certificate of Need Board; to provide for membership; to provide and transfer duties; to provide legal assistance; 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, 71-5844.01, 71-5846 to 71-5848, 71-5850, 71-5860 to 71-5862, and 71-5864, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 440. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for manufacturing, creating, or altering a form of identification as prescribed; and to repeal the original section.

LEGISLATIVE BILL 441. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to alcoholic liquors; to amend sections 53-101, 53-103, 53-123.04, 53-123.08, 53-123.13, and 53-139, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for regulation of near beer; to state an exception; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 442. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1446.01, Reissue Revised Statutes of Nebraska, 1943; to authorize officeholder expense funds; to define a term; to provide for the receipts to and disbursement from such funds; to provide penalties for violations; to require records and certain statements; to provide for dissolution of such funds; to provide enforcement; to provide and change provisions relating to expenditures and to the transferring of funds; and to repeal the original sections.

LEGISLATIVE BILL 443. Introduced by Robak, 22nd District; Kristensen, 37th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to limit the requirement for corroboration of testimony for sexual assault victims as prescribed; to eliminate the requirement of corroboration of testimony for certain offenses; and to repeal section 29-2013, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 444. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to museums; to amend sections 51-502, 51-508, 51-509, and 51-512, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to voter approval of a museum levy as prescribed; to change provisions relating to boards of public museums as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1988; to provide for the aggregation of amounts of checks or orders when classifying the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to courts; to amend section 24-342, Reissue Revised Statutes of Nebraska, 1943; to change a fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 447. Introduced by Nelson, 35th District; Beck, 8th District; Crosby, 29th District; Schellpeper, 18th District; R. Johnson, 34th District.

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

LEGISLATIVE BILL 448. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to criminal histories; to amend sections 29-210 and 79-488.06, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the obtaining of criminal history information on current and prospective teachers, child care providers, and persons operating school buses; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 449. Introduced by Ashford, 6th District; Wesely, 26th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-512 and 43-512.11, Reissue Revised Statutes of Nebraska, 1943; to require an appropriation; to add a transition benefit; to require additional reporting as prescribed; to require certain services; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 365	Tuesday, January 24, 1989	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Business and Labor

LB 175	Monday, January 23, 1989	1:30 p.m.
LB 176	Monday, January 23, 1989	1:30 p.m.
LB 238	Monday, January 23, 1989	1:30 p.m.
LB 261	Monday, January 23, 1989	1:30 p.m.

(Signed) George Coordsen, Chairperson

General Affairs

LB 62	Monday, January 23, 1989	1:30 p.m.
LB 70	Monday, January 23, 1989	1:30 p.m.
LB 298	Monday, January 23, 1989	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

Appropriations

Friday, January 20, 1989 1:30 p.m.
University Health Care Project - University of Nebraska

(Signed) Jerome Warner, Chairperson

SPEAKER BARRETT PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 450. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.28 and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to provide for the revocation of operators' licenses or permits or the privilege to drive for certain persons classified as habitual offenders as prescribed; to provide for a reinstatement fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 451. Introduced by Ashford, 6th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the filing of certain statements; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 452. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nonprofit Corporation Act; to amend section 21-1921, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to meetings of the board of directors; and to repeal the original section.

LEGISLATIVE BILL 453. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-816, 48-818, 48-821, and 48-838,

Reissue Revised Statutes of Nebraska, 1943; to provide powers and duties for the commission; to change provisions relating to bargaining units; to prohibit certain acts; to provide time limitations for negotiations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 454. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for reconstructive breast surgery.

LEGISLATIVE BILL 455. Introduced by 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 separate juvenile court judges in certain counties; and to repeal the original section.

LEGISLATIVE BILL 456. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to child care; to amend sections 71-1910 and 71-1915, Revised Statutes Supplement, 1988; to require providers of early childhood programs to have individuals trained in first aid and cardiopulmonary resuscitation on duty as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157.01 and 8-602, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1988; to provide for branch banks as prescribed; to eliminate references to auxiliary offices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Revenue Committee: Hall, 7th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Labedz, 5th District; Peterson, 21st District;

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1988; to change and provide adjustments to federal adjusted gross income as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Revenue Committee: Hall, 7th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Labedz, 5th District; Peterson, 21st District;

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2713, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715, 77-2716, and 77-2732, Revised Statutes Supplement, 1988; to provide a limitation of liability as prescribed; to change provisions relating to calculation of taxable income as prescribed; to provide for joint and several tax liability as prescribed; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENT

Mr. Hartnett announced the Urban Affairs Committee elected Mr. Korshoj as Vice Chairperson.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 361. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 460. Introduced by McFarland, 28th District; Schimek, 27th District; Wesely, 26th District; Hefner, 19th District; Ashford, 6th District.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1401, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1988; to state intent; to provide public funds for certain political campaigns as prescribed; to create a fund; to provide duties for the Nebraska Accountability and Disclosure Commission and Tax Commissioner; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to installment sales; to amend section 45-338, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the maximum time-price differential on installment contracts; and to repeal the original section.

LEGISLATIVE BILL 462. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to early childhood programs; to amend section 71-1914, Reissue Revised Statutes of Nebraska, 1943, and section 71-1911, Revised Statutes Supplement, 1988; to change a provision for licensure as prescribed; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 325. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as co-introducer to LB 149. No objections. So ordered.

VISITORS

Visitors to the Chamber were James and Ben Kopsa from York.

ADJOURNMENT

At 10:20 a.m., on a motion by Mrs. Beck, the Legislature adjourned until 9:00 a.m., Tuesday, January 17, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 1989

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 17, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Bob Rudel, Immanuel Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars and Dierks who were excused; and Messrs. Baack and Landis who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 201, line 19, strike "10th" and insert "40th".
The Journal for the Sixth Day was approved as corrected.
The Journal for the Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 187. No objections. So ordered.

REPORT

Received lists of South Africa related investments as of December 31, 1988 from the Investment Council as required by 72-1273 (3) and 72-1274 (2).

SELECT FILE

LEGISLATIVE BILL 18. E & R amendments, AM5006, found in the Journal on page 204 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 20. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 21. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 22. E & R amendments, AM5007, found in the Journal on page 204 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 24. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 25. E & R amendment, AM5004, found in the Journal on page 204 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 26. E & R amendment, AM5005, found in the Journal on page 205 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 27. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 28. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 29. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 30. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 31. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. E & R amendments, AM5008, found in the Journal on page 223 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33. E & R amendments, AM5009, found in the Journal on page 224 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 34. E & R amendments, AM5010, found in the Journal on page 225 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 463. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to snowmobiles; to amend sections 60-2001, 60-2003, 60-2004, 60-2005, 60-2009, 60-2009.01, 60-2010.01, 60-2010.02, 60-2013, 60-2018.01, and 60-2021, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change registration fees as prescribed; 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 provide powers and duties; to permit snowmobile operation as prescribed; to change provisions relating to snowmobile safety certificates; to allow for educational materials; to provide for negligent operation; to limit liability as prescribed; to harmonize provisions; to provide an operative date; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also section 60-2016, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 464. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to prohibit the imposition of the death penalty on persons with mental retardation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 465. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to discrimination; to prohibit discrimination against individuals with acquired immunodeficiency syndrome or its related diseases as prescribed; and to authorize a civil action to enforce violations.

LEGISLATIVE BILL 466. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to continuing education; to amend sections 44-3903 and 76-544, Reissue Revised Statutes of Nebraska, 1943; to exempt attorneys from continuing education requirements for abstractors and persons who sell title insurance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 467. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.47, Reissue Revised Statutes of Nebraska, 1943; to eliminate the continuing education requirement for real estate brokers and salespersons; to harmonize provisions; and to repeal the original section, and also sections 81-885.49 to 81-885.54, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 468. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Schimek, 27th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-980, 85-981, 85-990, and 85-9,101, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to student aid funds from the Federal SSIG program; to eliminate a definition; to eliminate a priority provision; to harmonize provisions; and to repeal the original sections, and also section 85-996, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 469. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Moore, 24th District; Schimek, 27th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the Contribution Fund; to amend section 68-613, Reissue Revised Statutes of Nebraska, 1943; to create a fund; to provide for credits to and withdrawals from the fund; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 470. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Moore, 24th District; Schimek, 27th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-508 and 23-913, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of budget statements and other documents as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 471. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to firefighters; to prohibit the sale and purchase of certain clothing and equipment as prescribed; to provide a penalty; to define a term; and to declare an emergency.

LEGISLATIVE BILL 472. Introduced by Peterson, 21st District; Schellpeper, 18th District; Coordsen, 32nd District; Moore, 24th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to emergency medical services; to adopt the First Responders Emergency Rescue Act.

LEGISLATIVE BILL 303A. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 303, Ninety-first Legislature, First Session, 1989; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 309A. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, Ninety-first Legislature, First Session, 1989; to provide an operative date; and to declare an emergency.

MOTION - Suspend Rules

Mr. Barrett moved to suspend Rule 5, Section 6 (f) and refer LB's 303A and 309A to the Appropriations Committee.

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 9:30 a.m. until 9:58 a.m.

UNANIMOUS CONSENT - Member Excused

Mr. Landis 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 473. Introduced by Chizek, 31st District; Hartnett, 45th District; Goodrich, 20th District; Beyer, 3rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to education; to appropriate funds to aid education as prescribed.

LEGISLATIVE BILL 474. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-315, 60-320, and 60-320.01, Reissue Revised Statutes of Nebraska, 1943; to extend the time during which certain vehicles may be operated without registration; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska, 1943; to provide an alternate method of service of process as prescribed; and to repeal the original section.

LEGISLATIVE BILL 476. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2027, 21-2036, and 21-2052, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to articles of incorporation, annual meetings, and elections of directors; and to repeal the original sections.

LEGISLATIVE BILL 477. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-231 and 9-326, Revised Statutes Supplement, 1988; to change a provision relating to qualified applicants for a license to conduct bingo or a lottery by the sale of pickle cards; and to repeal the original sections.

LEGISLATIVE BILL 478. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to children; to amend sections 24-301.01, 24-714, 24-729, 32-421.01, 42-348, 42-352, 42-364, 42-364.01, 42-364.14, 42-804, 42-808, 42-811, 43-104, 43-160, 43-245, 43-252, 43-2,108, 43-2,111, 43-2,119, 43-2,125, 43-2,126, 43-512.03, 43-1202, 43-1406, 43-1743, and 49-617, Reissue Revised Statutes of Nebraska, 1943, and sections 24-517, 24-701, 24-703, 29-2246, and 29-2253, Revised Statutes Supplement, 1988; to create the family court in certain counties as prescribed; to provide jurisdiction; to provide for judges; to provide for the retention of and retirement of such judge; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 30-2665, Reissue Revised Statutes of Nebraska, 1943; to adopt the Rights of the Terminally Ill Act; to provide penalties; to redefine durable power of attorney; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4501, 44-4503, 44-4504, and 44-4517, Reissue Revised Statutes of Nebraska, 1943; to provide for applicability of the act; to define terms; to provide and eliminate requirements for policies; to provide notices; to eliminate provisions relating to rules and regulations; to harmonize provisions; and to repeal the original sections, and also sections 44-4513 to 44-4516, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 481. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1988; to change an adjustment to income as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 482. 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, 67-239 to 67-258, 67-260 to 67-265, 67-267 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 483. Introduced by Abboud, 12th District; Beck, 8th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-401, Revised Statutes Supplement, 1988; to redefine the term exceptionally hazardous drug; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to the public defender; to amend section 29-1804.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the appointment of the public defender; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-315.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to transferring personalized prestige plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 486. Introduced by Education Committee: Withem, 14th District, Chairperson; Bernard-Stevens, 42nd District; Chizek, 31st District; Crosby, 29th District; Dierks, 40th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-403, 79-2202.05, and 79-2202.08, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the transfer of territory from one school district to another; to authorize the approval of mergers by a majority vote of an educational service unit board; to change time periods relating to the conduct of hearings and the making of decisions; and to repeal the original sections.

LEGISLATIVE BILL 487. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Bernard-Stevens, 42nd District; Chizek, 31st District; Crosby, 29th District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-314, 79-449.01, 79-451, 79-1331, 79-1333, 79-1333.02, and 79-3301, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102, 79-4,141.01, and 79-4,207, Revised Statutes Supplement, 1988; to change due dates, filing requirements, and other provisions related to various reports; to eliminate a school district's option concerning designation of the school certain children must attend; to require the county superintendent to prepare budgets when a school district fails to do so; to eliminate a January school district membership report; to change the fiscal year for special education programs and authorize the use of appropriated funds as prescribed; to eliminate a

provision on failure of certain school districts to vote a levy or provide a school and provisions on the Nebraska Commission for Special Education; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 79-512.01 and 79-3201 to 79-3204, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 488. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Bernard-Stevens, 42nd District; Chizek, 31st District; Crosby, 29th District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the Private Vocational Educational Authorization Act of 1977; to amend sections 79-2801 to 79-2808, 79-2810 to 79-2837, 79-2842 to 79-2846, 79-2848 to 79-2853, and 79-2855 to 79-2858, Reissue Revised Statutes of Nebraska, 1943; to rename the act; to define and redefine terms; to regulate operation of private postsecondary career schools; to provide and change exemptions; to change, provide, and transfer powers and duties; to change hearing provisions, fees, and a penalty; to harmonize provisions; to eliminate a bond provision and a penalty; and to repeal the original sections, and also sections 79-2809, 79-2847, and 79-2854, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 489. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-133, Revised Statutes Supplement, 1988; to provide for an additional practical examination as prescribed; and to repeal the original section.

LEGISLATIVE BILL 490. Introduced by Moore, 24th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to suppliers; to make defrauding a supplier a crime; and to provide penalties.

LEGISLATIVE BILL 491. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,134 to 71-1,135.01, 71-1,135.03 to 71-1,136, 71-1,136.02, and 71-1,136.04 to 71-1,136.09, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,133, 71-1,135.02, 71-1,136.01, and

71-1,136.03, Revised Statutes Supplement, 1988; to change provisions relating to licensure as prescribed; to change a provision relating to a patient's choice of practitioner; to change provisions relating to financial assistance; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to elections; to amend sections 23-1501, 23-1502, and 32-308, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of the register of deeds; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 7CA. Introduced by Hall, 7th District.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 6 to Article IX.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 6 to Article IX, which is hereby proposed by the Legislature:

CIX-6 "(1) Any county having a population of more than three hundred thousand inhabitants may adopt a home rule charter for the county by a majority vote of the qualified electors of the county voting on the question, and when so adopted such charter may be changed or amended as provided in this section subject to the Constitution and laws of this state.

(2) A charter may be amended or a charter convention called by (a) a proposal made by the governing body of the county or (b) a petition containing the signatures of qualified electors in the county representing at least five percent of the vote at the last gubernatorial election in the county. Such petition shall be filed with the governing body which shall submit the charter amendment or question of a charter convention to a vote of the qualified electors at the next general or special election held more than thirty days after the governing body's proposal or after such petition is filed. In submitting any charter or charter amendments, any alternative article

or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. The county clerk of the county shall publish the full text of any charter or charter amendment to be voted on with his or her official certification in at least one newspaper published and in general circulation in the county for three times approximately a week apart.

(3) Whenever the question of a charter convention is approved by a majority of those voting thereon, a charter convention shall be called through a special resolution and the charter convention shall be constituted and held and the proposed charter submitted to a vote of the qualified electors and approved or rejected as provided in this section. A charter convention shall be appointed by the governing body of the county and shall consist of fifteen freeholders who have been qualified electors of the county for at least the five years prior to appointment. The charter convention shall prepare and propose a charter for the county within six months after their appointment. The proposed charter shall be signed by the members of the convention or a majority thereof and delivered to the county clerk. The county clerk shall publish the proposed charter in at least one newspaper published and in general circulation in the county, for three times approximately a week apart, within ninety days prior to its submission to the qualified electors of the county at a general or special election. If the proposed charter is ratified by a majority of the qualified electors voting thereon, the charter shall become the charter of the county at the end of ninety days after ratification and shall supersede any existing charter and all amendments to such charter. A duly authenticated copy of the charter adopted and any subsequent amendments to such charter shall be filed with the Secretary of State and the county clerk of the county.

(4) No charter or charter amendment adopted under this section shall be amended or repealed except by electoral vote. No charter or charter amendment shall diminish the tax rate for state purposes fixed by an act of the Legislature or interfere with the collection of state taxes.".

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

"A constitutional amendment to authorize counties with more than three hundred thousand inhabitants to adopt a home rule charter and to provide procedures for amending a home rule charter and the calling of charter conventions.

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. Morrissey asked unanimous consent to have his name added as co-introducer to LB 356 and LB 438. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 410 through 462.

LB	Committee
410	Business & Labor
411	Business & Labor
412	Business & Labor
413	Business & Labor
414	Business & Labor
415	Business & Labor
416	Transportation
417	Transportation
418	Nebraska Retirement Systems
419	Business & Labor
420	Judiciary
421	Urban Affairs
422	Health & Human Services
423	Banking, Commerce & Insurance
424	Transportation
425	Health & Human Services
426	Revenue
427	Education
428	Appropriations
429	Health & Human Services
430	Appropriations
431	Banking, Commerce & Insurance
432	Government, Military & Veterans Affairs
433	Revenue
434	Transportation

435 Government, Military & Veterans Affairs
436 Revenue
437 Revenue
438 Education
439 Health & Human Services
440 General Affairs
441 General Affairs
442 Government, Military & Veterans Affairs
443 Judiciary
444 Urban Affairs
445 Judiciary
446 Judiciary
447 Education
448 Government, Military & Veterans Affairs
449 Health & Human Services
450 Transportation
451 Urban Affairs
452 Banking, Commerce & Insurance
453 Business & Labor
454 Banking, Commerce & Insurance
455 Judiciary
456 Health & Human Services
457 Banking, Commerce & Insurance
458 Revenue
459 Revenue
460 Government, Military & Veterans Affairs
461 Banking, Commerce & Insurance
462 Health & Human Services

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 357	Tuesday, January 24, 1989	1:30 p.m.
LB 264	Tuesday, January 24, 1989	1:30 p.m.
LB 140	Tuesday, January 24, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

Judiciary

LB 200	Wednesday, January 25, 1989	1:30 p.m.
LB 201	Wednesday, January 25, 1989	1:30 p.m.
LB 203	Wednesday, January 25, 1989	1:30 p.m.
LB 204	Wednesday, January 25, 1989	1:30 p.m.
LB 138	Wednesday, January 25, 1989	1:30 p.m.
LB 80	Wednesday, January 25, 1989	1:30 p.m.
LB 82	Wednesday, January 25, 1989	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 493. Introduced by Nelson, 35th District; Langford, 36th District; Kristensen, 37th District; Coordsen, 32nd District; McFarland, 28th District; Morrissey, 1st District.

A BILL FOR AN ACT relating to juveniles; to amend section 83-171, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the Department of Correctional Services to operate juvenile detention facilities; to provide for the transfer and conversion of certain existing facilities to juvenile detention facilities; to make an appropriation; to provide duties for the Department of Correctional Services; to provide for a study; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 494. Introduced by Korshoj, 16th District; Chizek, 31st District.

A BILL FOR AN ACT relating to garbage disposal; to amend sections 19-2106, 19-4101, and 19-4102, Reissue Revised Statutes of Nebraska, 1943; to authorize cities, villages, and counties to impose fees as prescribed; to harmonize provisions; and to repeal the original sections, and also section 19-4104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 495. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-501, and 60-569, Reissue Revised Statutes of Nebraska, 1943; to change requirements for registration; to change and eliminate provisions relating to financial responsibility; to define a term; to provide penalties; to harmonize provisions; and to repeal the

original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 106	Tuesday, January 24, 1989	1:30 p.m.
LB 194	Tuesday, January 24, 1989	1:30 p.m.
LB 216	Tuesday, January 24, 1989	1:30 p.m.
LB 173	Tuesday, January 24, 1989	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were students from Burke High School, Omaha.

ADJOURNMENT

At 10:06 a.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 18, 1989

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 18, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Evangelist Tim Woodroof, Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars and Mrs. Smith who were excused; and Messrs. Abboud, Ashford, Chambers, Conway, Hall, R. Johnson, Schmit, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 180. Placed on General File.
LEGISLATIVE BILL 190. Placed on General File.

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 198	Wednesday, January 25, 1989	1:30 p.m.
LB 193	Wednesday, January 25, 1989	1:30 p.m.
LB 458	Wednesday, January 25, 1989	1:30 p.m.
LB 459	Wednesday, January 25, 1989	1:30 p.m.
LB 299	Wednesday, January 25, 1989	1:30 p.m.
LB 249	Wednesday, January 25, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

Judiciary

LB 208	Friday, January 27, 1989	1:30 p.m.
LB 116	Friday, January 27, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Government, Military and Veterans Affairs

LB 151	Wednesday, January 25, 1989	1:30 p.m.
LB 340	Wednesday, January 25, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Nebraska Retirement Systems

LB 46	Wednesday, January 25, 1989	Noon
LB 145	Wednesday, January 25, 1989	Noon
LB 237	Wednesday, January 25, 1989	Noon
LB 388	Wednesday, January 25, 1989	Noon

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 357. No objections. So ordered.

EASE

The Legislature was at ease from 9:12 a.m. until 9:46 a.m.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 35. Placed on General File.
LEGISLATIVE BILL 36. Placed on General File.
LEGISLATIVE BILL 38. Placed on General File.

(Signed) Rod Johnson, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 496. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to crimes and punishments; to prohibit the transfer or possession of anabolic steroids and human growth hormones without a prescription; to define terms; to provide penalties; and to provide an exception.

LEGISLATIVE BILL 497. Introduced by Schmit, 23rd District; Robak, 22nd District.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1988; to exempt railroad rolling stock and supplies and materials of railroads from property tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 498. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-763, Reissue Revised Statutes of Nebraska, 1943; to restrict the power of a city or village to annex a sanitary and improvement district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 499. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1103, Reissue Revised Statutes of Nebraska, 1943; to authorize Class VI school districts to use special funds for school buildings as prescribed; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 500. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to collection agencies; to require collection agencies to prove diligent attempts to settle disputes prior to obtaining a court judgment.

LEGISLATIVE BILL 501. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-103 and 60-104, Reissue Revised Statutes of Nebraska, 1943; to require the affixing of the vehicle identification number prior to sale or other disposition of certain vehicles; and to repeal the original sections.

LEGISLATIVE BILL 502. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to irrigation districts; to amend section 13-514, Reissue Revised Statutes of Nebraska, 1943; to exempt irrigation districts from the requirements of the Nebraska Budget Act; to provide for public inspection of irrigation district budgets; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska, 1943, and section 75-104, Revised Statutes Supplement, 1988; to change the salary of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General and of members of the Public Service Commission as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1988; to exempt truck

bodies and related equipment from property taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to the Uniform Federal Lien Registration Act; to amend sections 52-1001 to 52-1005 and 52-1008, Reissue Revised Statutes of Nebraska, 1943; to change and provide provisions relating to the filing of certain federal liens; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2322, 79-1520, 81-2014, 81-2017, 81-2025, 81-2026, 81-2031, 81-2032, and 84-1324, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-706, 24-707, 24-708, 24-710, 24-710.02, 79-1501, and 79-1552, Revised Statutes Supplement, 1988; to change provisions relating to annuities and benefits as prescribed; to define and redefine terms; to provide duties; to change provisions relating to former members of retirement systems; to delete obsolete language; to change funding provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 507. Introduced by Lynch, 13th District; Labedz, 5th District; Chizek, 31st District; Hall, 7th District; Hartnett, 45th 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 508. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to intergovernmental cooperation; to adopt the State-Tribal Cooperative Agreements Act.

LEGISLATIVE BILL 509. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to railroads; to amend section 74-1413, Reissue Revised Statutes of Nebraska, 1943; to change

provisions for membership of the Branch Rail Revitalization Council; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to provide community action services as prescribed; to provide for service areas; to provide for community action agencies; to provide for agency administration; to provide powers and duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 511. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to community mental health services; to amend section 71-5009, Revised Statutes Supplement, 1988; to change a provision relating to the sources of funds for mental health regional governing boards; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Korshoj, 16th 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 513. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-401, 60-402, 60-406.06, 60-408, and 84-1409, Reissue Revised Statutes of Nebraska; to establish the License Review Board; to provide for review of certain decisions of the Director of Motor Vehicles as prescribed; to provide powers and duties; to state intent; to provide limitations; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Schimek, 27th District; Baack, 47th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change provisions relating to the requirements for health education in public schools; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend section 87-309, Revised Statutes Supplement, 1988; to provide a restriction on calls made by such devices; and to repeal the original section.

LEGISLATIVE BILL 516. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to handicapped and disabled persons; to amend section 18-1738, Reissue Revised Statutes of Nebraska, 1943; to change the eligibility for parking permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Morrissey, 1st District; Schimek, 27th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-220, 32-221, and 32-530.01, Reissue Revised Statutes of Nebraska, 1943; to require the Secretary of State to compile a master file of registered voters; to provide for the use of a uniform voter registration form; to eliminate a voter registration form; to harmonize provisions; and to repeal the original sections, and also section 32-223, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 518. Introduced by Scofield, 49th District; Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a potato development specialist position as prescribed; and to state intent.

LEGISLATIVE BILL 519. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to animal technicians; to amend sections 71-1,175, 71-4401, and 71-4403, Revised Statutes Supplement, 1988; to permit approved animal technicians to vaccinate for rabies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Schellpeper, 18th District; Dierks, 40th District.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Incentive Act; and to declare an emergency.

LEGISLATIVE BILL 521. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to technical community colleges; to state intent; and to require surveys of health and allied health care educational program needs as prescribed.

LEGISLATIVE BILL 522. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988; to state intent; to create the Property Tax Relief Fund; to increase the sales tax; to provide for the disposition of the proceeds from such tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 523. Introduced by Coordsen, 32nd District; Elmer, 38th District; Morrissey, 1st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt certain agricultural-related items from sales and use tax if purchased by nonresidents; to provide a limitation; and to repeal the original section.

LEGISLATIVE BILL 524. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-704, 49-1461, and 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of information relating to and the actual filing of initiative and referendum petitions; to change provisions relating to the filing of campaign statements by ballot question committees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Scofield, 49th District; Baack, 47th District; Weihing, 48th District.

A BILL FOR AN ACT relating to museums; to provide for the development of plans for the Trailside Museum Complex as

prescribed; to state intent; to appropriate money as prescribed; and to declare an emergency.

LEGISLATIVE BILL 526. Introduced by Scofield, 49th District; Hefner, 19th District.

A BILL FOR AN ACT relating to recreation liability; to amend sections 37-1003, 37-1005, and 37-1008, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the liability of persons who charge for entrance to land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to tire recycling; to amend sections 58-201 and 58-239, Reissue Revised Statutes of Nebraska, 1943; 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.

LEGISLATIVE BILL 528. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to education; to amend sections 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988; to create a fund; to provide increased state aid to school districts as prescribed; to require consideration of the aid as a receipt for budget purposes; to state intent; to increase the sales tax rate; to change the distribution of certain tax receipts; to appropriate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 529. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision prohibiting banks, trust companies, investment companies, and other similar companies in certain cities to solicit, sell, or write

insurance and the penalties therefor; to harmonize provisions; and to repeal the original section, and also section 44-392, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 530. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to asbestos; to amend sections 71-6301, Revised Statutes Supplement, 1988; to redefine terms; to exempt certain activities from the provisions of the Asbestos Control Act; and to repeal the original section.

LEGISLATIVE BILL 531. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to postsecondary institutions; to amend sections 85-902, 85-903, 85-907, 85-950, 85-955, 85-956, 85-957, and 85-958, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to appointment of members and quorum requirements; to eliminate a provision dealing with voting; to provide for the review of new programs and additions to role and mission at public postsecondary institutions; to provide procedures and requirements for such approval; to describe service areas for state colleges; to harmonize provisions; and to repeal the original sections, and also section 85-902.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 532. Introduced by Moore, 24th District; Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1988; to provide a tax credit for certain wages paid by a taxpayer as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 533. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to telephone and telegraph companies; to amend section 86-303, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the condemnation of a right-of-way as prescribed; and to repeal the original section.

LEGISLATIVE BILL 534. Introduced by Withem, 14th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1495, 49-14,105, 49-14,107, 49-14,108, 49-14,110, 49-14,112, 49-14,114, and 49-14,118, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the filing of financial interest statements by appointed officeholders and appointed commission members as prescribed; to change a provision relating to the appointment of members of the Nebraska Accountability and Disclosure Commission; to prohibit commission members from engaging in certain activities regulated by the commission; to require the withdrawal from certain activities and the resignation from certain offices by appointed commission members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716, Revised Statutes Supplement, 1988; to change a provision relating to income tax adjustments; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 536. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the University of Nebraska to fund the Nebraska Council on Economic Education and the National Center for Research in Economic Development; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 273	Wednesday, January 25, 1989	1:30 p.m.
LB 157	Wednesday, January 25, 1989	1:30 p.m.
LB 366	Wednesday, January 25, 1989	1:30 p.m.
LB 342	Thursday, January 26, 1989	1:30 p.m.
LB 353	Thursday, January 26, 1989	1:30 p.m.
LB 344	Thursday, January 26, 1989	1:30 p.m.
LB 378	Friday, January 27, 1989	1:30 p.m.
LB 338	Friday, January 27, 1989	1:30 p.m.

(Signed) Don Wesely, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 463 through 495 and LR 7CA.

LB	Committee
463	Judiciary
464	Judiciary
465	Judiciary
466	Banking, Commerce & Insurance
467	Banking, Commerce & Insurance
468	Appropriations
469	Appropriations
470	Appropriations
471	Government, Military & Veterans Affairs
472	Health & Human Services
473	Appropriations
474	Transportation
475	Judiciary
476	Banking, Commerce & Insurance
477	General Affairs
478	Judiciary
479	Judiciary
480	Banking, Commerce & Insurance
481	Revenue
482	Banking, Commerce & Insurance
483	Judiciary
484	Judiciary
485	Transportation
486	Education
487	Education
488	Education
489	Health & Human Services
490	Judiciary
491	Health & Human Services
492	Government, Military & Veterans Affairs
493	Government, Military & Veterans Affairs
494	Urban Affairs
495	Transportation

LR	Committee
7CA	Government, Military & Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 79. Placed on General File as amended.
Standing Committee amendment to LB 79:
AM0007
1. On page 2, line 8, strike "six" and insert "ten".

LEGISLATIVE BILL 158. Placed on General File.

(Signed) Howard Lamb, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 537. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to county hospital authorities; to amend section 23-343.92, Reissue Revised Statutes of Nebraska, 1943; to permit local hospital districts to operate housing and related facilities for aged and infirm persons; and to repeal the original section.

LEGISLATIVE BILL 538. Introduced by L. Johnson, 15th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to highways; to amend section 39-2520, Reissue Revised Statutes of Nebraska, 1943; to authorize the expenditure of certain funds on municipally owned and operated transit systems; and to repeal the original section.

EASE

The Legislature was at ease from 9:57 a.m. until 10:19 a.m.

SPEAKER BARRETT PRESIDING

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 53. Placed on General File.
LEGISLATIVE BILL 57. Placed on General File.

LEGISLATIVE BILL 123. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 539. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-340, 71-343, 71-345, 71-353, 71-367, 71-3,120, 71-3,122, 71-3,123, and 71-3,127, Reissue Revised Statutes of Nebraska, 1943, and section 71-3,121, Revised Statutes Supplement, 1988; to define and redefine terms; to provide for licensure of mobile salons as prescribed; to provide requirements for such salons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 540. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the terms gross receipts and retail sale; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Lindsay, 9th District; Ashford, 6th District.

A BILL FOR AN ACT relating to state employees; to amend section 81-8,219, Revised Statutes Supplement, 1988; to provide procedures for certain claims and suits against state employees; to provide time limitations for such claims and suits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Lindsay, 9th District; Ashford, 6th District; Landis, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 44-2824 and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to authorize establishment of risk-loss trusts; to provide for the use of such trusts; to provide for applicability of certain laws; to provide requirements for certain risk-loss trusts; to provide duties for the Director of Insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 543. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for a minority student scholarship program.

LEGISLATIVE BILL 544. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend sections 44-1620, 44-1622 to 44-1623, 44-1630, and 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943; to provide for an administrative fee as prescribed; to change the administrative powers and duties of the Department of Personnel and the Risk Manager; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 545. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Withem, 14th District.

A BILL FOR AN ACT relating to land; to create a fund; and to authorize the Department of Administrative Services to sell and convey certain tracts of land as prescribed.

LEGISLATIVE BILL 546. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Withem, 14th District.

A BILL FOR AN ACT relating to Department of Administrative Services; to amend section 81-1121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to refunds for amounts mistakenly paid or not owed to the state; and to repeal the original section.

LEGISLATIVE BILL 547. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to roads; to amend section 39-1814, Reissue Revised Statutes of Nebraska, 1943; to provide immunity

from liability for certain damages for owners of livestock as prescribed; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Conway, 17th District; Scofield, 49th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-216.01 and 81-216.02, Reissue Revised Statutes of Nebraska, 1943; to exempt bed and breakfast establishments from the act; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 549. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to public funds; to amend section 77-2321, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2326.01 and 77-2326.04, Revised Statutes Supplement, 1988; to change provisions relating to the substitution of securities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-215 and 37-216.01, Reissue Revised Statutes of Nebraska, 1943; to provide limitations on the issuance of certain permits and stamps; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to laboratories; to state intent; to define terms; to provide for certification of laboratories as prescribed; to provide requirements for certain technicians, technologists, and practitioners; to provide requirements for laboratories; to provide for waiver of certification requirements; to prohibit certain acts; to provide powers and duties for the Department of Health; to create an advisory board; to provide duties for the board; to authorize fees; to provide for rules and regulations; and to provide an operative date.

LEGISLATIVE BILL 552. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to children; to provide a procedure for the settlement of disputes concerning visitation.

LEGISLATIVE BILL 553. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 1988; to prohibit the withholding of or interference with visitation as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 554. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to child visitation; to amend section 42-364.15, Reissue Revised Statutes of Nebraska, 1943; to adopt the Child Visitation Mediator Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 555. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to persons in custody; to provide for consultation with an attorney as prescribed.

LEGISLATIVE BILL 556. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to counties; to provide an exemption from the requirement of a bond in court actions and other proceedings.

LEGISLATIVE BILL 557. Introduced by Hall, 7th District; Rogers, 41st District; Labedz, 5th District; Hartnett, 45th District; Hefner, 19th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt foods sold through vending machines from taxation; and to repeal the original section.

EASE

The Legislature was at ease from 10:23 a.m. until 10:51 a.m.

MR. HEFNER PRESIDING

UNANIMOUS CONSENT - Members Excused

Messrs. Lindsay and Landis asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 558. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to dissolution of marriage; to amend section 42-365, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to alimony as prescribed; and to amend the original section.

LEGISLATIVE BILL 559. Introduced by McFarland, 28th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to insurance; to require coverage for low-dose mammography as prescribed.

LEGISLATIVE BILL 560. Introduced by McFarland, 28th District; Crosby, 29th District; Ashford, 6th District.

A BILL FOR AN ACT relating to insurance; to require infertility coverage in certain health insurance policies; and to define terms.

LEGISLATIVE BILL 561. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-710, Revised Statutes Supplement, 1988; to redefine abuse or neglect to include leaving a child unattended in a residence; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1988; to increase a tax levy limit; to provide duties for school boards; to authorize bonds or other evidences of indebtedness for the abatement of environmental hazards; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Ashford, 6th District; Lindsay, 9th District; Chizek, 31st District; McFarland, 28th District.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,188, Revised Statutes Supplement, 1988; to provide a tax credit for another

employee as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Ashford, 6th District; Chizek, 31st District; Lindsay, 9th District.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend sections 77-27,188, 77-27,188.01, 77-27,188.02, and 77-27,191, Revised Statutes Supplement, 1988; to change provisions relating to a tax credit as prescribed; to change provisions relating to failure to maintain certain levels of investment and employment as prescribed; to provide an exception; to redefine a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Short Form Act; to amend section 49-1501, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide statutory short forms for certain deeds and short form expressions as prescribed; to provide principles for the operation of such statutory short form deeds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 566. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the term occasional sale; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by Withem, 14th District; Bernard-Stevens, 42nd District; Ashford, 6th District; Wesely, 26th District.

A BILL FOR AN ACT relating to early childhood education; to state intent; to provide for the appointment of an advisory group; to establish the Early Childhood Training Support Center; and to provide for pilot project programs.

LEGISLATIVE BILL 568. Introduced by Conway, 17th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-602, 9-605, 9-608, 9-610, and 9-611,

Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the power of counties, cities, and villages to conduct lotteries as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Rogers, 41st District; Morrissey, 1st District.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5103, 71-5105, and 71-5115, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5101, 71-5102, 71-5108, and 71-5113, Revised Statutes Supplement, 1988; to define and redefine terms; to provide for certification of emergency medical technicians-A/D; to provide for licensure of emergency medical technician-A/D services; to state intent; to define terms; to provide powers and duties; to state requirements; to require training; to provide for approval of training courses and instructors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 570. Introduced by Robak, 22nd District; Schmit, 23rd District; Hefner, 19th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2705, Reissue Revised Statutes of Nebraska, 1943, and sections 9-306.01, 77-2702, and 77-2703, Revised Statutes Supplement, 1988; to define and redefine terms relating to contractors, fixtures, and retail sales as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 571. Introduced by Hefner, 19th District; Korshoj, 16th District; Dierks, 40th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-404, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988; to prohibit the possession or transfer of certain substances without a prescription; to define terms; to provide a penalty; to provide exceptions; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Lynch, 13th District; Hartnett, 45th District; Chizek, 31st District; Conway, 17th District.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-340, Revised Statutes Supplement, 1988; to change a provision relating to restrictions on the sale of pickle card units; and to repeal the original section.

LEGISLATIVE BILL 573. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nursing Pool Quality Assurance Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Rogers, 41st District; Wehrbein, 2nd District; Coordsen, 32nd District; Dierks, 40th District.

A BILL FOR AN ACT relating to livestock; to amend section 54-2201, Reissue Revised Statutes of Nebraska, 1943; to provide for a pseudorabies eradication plan; to state intent; to provide for additional personnel for the Department of Agriculture; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 575. Introduced by Barrett, 39th District; Dierks, 40th District; Baack, 47th District.

A BILL FOR AN ACT relating to teachers; to amend sections 79-1282, 79-1283, and 79-1284, Reissue Revised Statutes of Nebraska, 1943; to provide for enforcement of disciplinary procedures by the State Board of Education; to provide powers and duties for the board and the Professional Practices Commission; to change provisions relating to the commission; to eliminate provisions on the revocation of certificates; and to repeal the original sections, and also section 79-1234, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 576. Introduced by Conway, 17th District; Pirsch, 10th District; Beck, 8th District; Chizek, 31st District; Elmer, 38th District; Labedz, 5th District.

A BILL FOR AN ACT relating to roads; to amend sections 39-1365, and 81-1201.01 to 81-1201.03, Reissue Revised Statutes of Nebraska, 1943; to state findings; to define terms; to require the Legislature to adopt master plans for road construction; to adopt an initial master plan; to require a needs study; to provide powers, including certain zoning powers, to the Department of Roads; to rename the

Department of Economic Development and the Director of Economic Development; to provide duties for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 577. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to venture capital; to amend sections 58-401 to 58-404, 58-413, 58-435, 58-439, and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.07, Revised Statutes Supplement, 1988; 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.

LEGISLATIVE BILL 578. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to the state investment officer; to provide duties for the state investment officer with respect to corporations doing business in northern Ireland; and to require a report.

LEGISLATIVE BILL 579. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-810, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to actions for wrongful death; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Morrissey, 1st District; Korshoj, 16th District; Chizek, 31st District.

A BILL FOR AN ACT relating to firefighters; to amend sections 79-1429 to 79-1431, Reissue Revised Statutes of Nebraska, 1943; to state intent; to create a fund and provide for its use; to create the Office of Fire Programs; to create the Fire Programs Commission; to provide powers and duties; to provide for rules and regulations; to eliminate an advisory board; to harmonize provisions; and to repeal the original sections, and also sections 79-1432 to 79-1434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 581. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the term occasional sale to include auction sales for purposes of sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by R. Johnson, 34th District; Dierks, 40th District.

A BILL FOR AN ACT relating to the Nebraska Beef Industry Development Act; to amend section 54-2113, Reissue Revised Statutes of Nebraska, 1943; to change a fee; to eliminate provisions relating to raising and lowering fees; and to repeal the original section.

LEGISLATIVE BILL 583. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-714, 25-1930, 32-421.01, 49-506, and 49-617, Reissue Revised Statutes of Nebraska, 1943, and sections 24-209, 24-701, and 24-703, Revised Statutes Supplement, 1988; to create the Court of Appeals; to provide judges for the court; to provide powers and duties for the court and Supreme Court; to provide for distribution of certain publications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to judges; to amend section 24-730, Reissue Revised Statutes of Nebraska, 1943; to provide for the granting of senior status to certain eligible judges as prescribed; to provide duties for such judges and the Supreme Court; to provide compensation; to provide duties for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 585. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to courts; to create the Nebraska Court of Appeals; to provide for judges of the court; to provide for appeals to the court; and to provide powers and duties for the court and the Supreme Court.

LEGISLATIVE BILL 586. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to courts; to create the Appellate Division of the District Court; to provide judges for the appellate division; to provide powers and duties for the appellate division and Supreme Court; and to provide a termination date.

LEGISLATIVE BILL 587. Introduced by Schmit, 23rd District; Baack, 47th District; Weihing, 48th District; Robak, 22nd District; Wehrbein, 2nd District; Morrissey, 1st District.

A BILL FOR AN ACT relating to the Ethanol Authority and Development Act; to amend sections 66-1303, 66-1304, 66-1306, and 66-1315, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1301, 66-1302, 66-1307, 66-1307.01, 66-1307.02, 66-1317, 66-1321, 66-1322, and 66-1323, Revised Statutes Supplement, 1988; to restate intent; to define a term; to change a provision relating to membership on the board and to provide for appointment of members as prescribed; to change provisions relating to the use and receipt of funds; to change a provision relating to grants and loans; to provide for the treatment of certain information contained in applications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 588. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to counties; to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943; to change provisions for election of county commissioners in certain counties; to provide for seven districts; to require establishment of boundaries; to provide terms of office; to provide a residency requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by R. Johnson, 34th District; Lamb, 43rd 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 arbitration as prescribed; to require notice on certain labels; to create an arbitration council; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 590. Introduced by Baack, 47th District; Withem, 14th District.

A BILL FOR AN ACT relating to technical community colleges; to state findings and intent; to create the Professional Staff Recruitment, Retention, and Development Program; and to provide for the distribution of funds.

LEGISLATIVE BILL 591. Introduced by Schmit, 23rd District; Schellpeper, 18th District; Labedz, 5th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207, 2-1224, 2-1225, and 2-1227, Reissue Revised Statutes of Nebraska, 1943; to provide for interstate simulcasting; to state a finding; to provide powers and duties; to provide for licensure; to define and redefine terms; to provide limits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 592. Introduced by Abboud, 12th District; Beck, 8th District; Moore, 24th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and sections 28-416 and 29-2262, Revised Statutes Supplement, 1988; to provide an additional felony classification; to provide additional penalties for possession of controlled substances, cocaine, and marijuana as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 593. Introduced by Hannibal, 4th District; Labedz, 5th District; Lynch, 13th 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 in foreign states; to provide for the establishment of branch offices in this state by foreign building and

loan associations and to establish requirements therefor; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 594. Introduced by L. Johnson, 15th District; Pirsch, 10th District; Ashford, 6th District; Abboud, 12th District.

A BILL FOR AN ACT relating to nonprofit sports programs; to amend sections 25-21,196 and 25-21,198, Revised Statutes Supplement, 1988; to define a term; to change provisions relating to liability of certain persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Lynch, 13th District; Wesely, 26th District.

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

LEGISLATIVE BILL 596. Introduced 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, 1988; 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, 29-2541, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 597. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to the Model Health Maintenance Organization Act; to amend sections 44-3248 and 44-3291, Reissue Revised Statutes of Nebraska, 1943; to provide a privilege for certain persons to not disclose information; to provide immunity as prescribed; to change provisions relating to computation of the schedule of charges for enrollee coverage for health care services; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8CA. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 2 and 8, and Article XV, section 9, and by repealing Article I, section 24.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 2 and 8, and Article XV, section 9, and by repealing Article I, section 24, which is hereby proposed by the Legislature:

CI-23 "In all ~~cases of felony the defendant shall have the right of appeal to the Supreme Court; and in capital cases such appeal~~ capital cases, appeal directly to the Supreme Court shall be as a matter of right and shall operate as a supersedeas to stay the execution of the sentence of death, until further order of the Supreme Court. In all other cases, criminal or civil, the right of appeal shall be as provided by law subject to the absolute right of an aggrieved party to one appeal to a court authorized by or created pursuant to Article V, section 1, of this Constitution."

CV-2 "The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party,, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any Judge of the Supreme Court or of any appellate court which may be created by law who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court or of any appellate court which may be created by law to act as associate judges of the

Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court or of any appellate court which may be created by law are so acting, the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court or of any appellate court which may be created by law so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the Supreme Court. The Chief Justice shall make assignments of judges to the divisions of the court, ~~and shall~~ preside over the division of which he or she is a member, and designate the presiding judge of the other division. The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute, and all appeals ~~from conviction of homicide;~~ involving capital cases and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise, of any of the judges of the Supreme Court, the court may appoint judges of the district court or of any appellate court which may be created by law to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court of seven judges. Judges of the district court or of any appellate court which may be created by law shall receive no additional salary by virtue of their appointment and service as herein provided, ~~;~~ but they shall be reimbursed their necessary traveling and hotel expenses."

CV-8 "~~There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state. The court shall also~~ The Supreme Court shall appoint such ~~clerical help~~ staff as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court. The copyright of the state reports shall forever remain the property of the state."

CXV-9 "Laws may be enacted providing for the investigation, submission, and determination of controversies between employers and employees in any business or vocation affected with a public interest, and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals ~~shall lie to the Supreme Court from the final orders and judgments of such commission~~ shall be as provided by law.".

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

"A constitutional amendment to provide a right of direct appeal to the Supreme Court in capital cases, to provide that the right of appeal in all other cases shall be as provided by law, to authorize the Supreme Court to assign duties to judges of any appellate court which may be created by law, to eliminate specific provisions on the clerk and reporter of the Supreme Court, and to harmonize provisions.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 9CA. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article I, sections 23 and 24, Article V, sections 2 and 8, and Article XV, section 9, and by adding a new section 32 to Article V.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article I, sections 23 and 24, and Article V, sections 2 and 8, and Article XV, section 9, and by adding a new section 32 to Article V, which is hereby proposed by the Legislature:

CI-23 "In all capital cases ~~of felony~~ the defendant shall have the right of appeal to the Supreme Court; and ~~in capital cases such~~ the appeal shall operate as a supersedeas to stay the execution of the sentence of death, until further order of the Supreme Court. In all criminal cases other than capital cases, the defendant shall have a

right to review by the Criminal Court of Appeals and as may be provided by the Legislature."

CI-24 "The right ~~to be heard~~ of appeal in all civil cases ~~in the court of last resort, by appeal, error, or otherwise, shall not be denied~~ in the Civil Court of Appeals shall be as provided by the Legislature."

CV-2 "The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court to act as associate judges of the Supreme Court~~, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court are so acting the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum.~~ Judges of the district court so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the Supreme Court. ~~The Chief Justice shall make assignments of judges to the divisions of the court, and shall preside over the division of which he is a member, and designate the presiding judge of the other division.~~ The judges of the Supreme Court~~, sitting without division,~~ shall hear and determine all cases involving the constitutionality of a statute~~;~~ and all appeals ~~from conviction of homicide;~~ involving capital cases and may review any decision rendered by ~~a division of the court~~ the Nebraska Court of Appeals. In such cases, in the event of the disability or disqualification by interest or otherwise~~;~~ of any of the judges of the Supreme Court, the court may appoint judges of the district court to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court of seven judges. Judges of the district court shall receive no additional salary by virtue of their appointment and service as herein provided~~,~~ ~~;~~ but they shall be reimbursed their necessary traveling and hotel expenses."

CV-8 "~~There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state. The court shall also appoint such clerical help~~ The Supreme Court shall appoint such staff as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court. The copyright of the state reports shall forever remain the property of the state."

CXV-9 "Laws may be enacted providing for the investigation, submission, and determination of controversies between employers and employees in any business or vocation affected with a public interest, and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals ~~shall lie to the Supreme Court~~ from the final orders and judgments of such commission shall be as provided by the Legislature."

CV-32 "The Nebraska Court of Appeals shall consist of two divisions, the Criminal Court of Appeals and the Civil Court of Appeals. The Nebraska Court of Appeals shall consist of such judges, hear cases, and operate as provided by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 appeal of cases to the Supreme Court and the Nebraska Court of Appeals, to eliminate provisions dealing with divisions of the Supreme Court; to eliminate specific provisions on the clerk and reporter of the Supreme Court, to create the Nebraska Court of Appeals, and to harmonize provisions.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 10CA. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Abboud, 12th District; Lindsay, 9th District; McFarland, 28th District; Nelson, 35th District; and Ashford, 6th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article V, sections 2, 4, and 21.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article V, sections 2, 4, and 21, which is hereby proposed by the Legislature:

CV-2 "The Supreme Court shall consist of ~~seven~~ nine judges, one of whom shall be the Chief Justice. A majority of the judges sitting en banc shall be necessary to constitute a quorum. A majority of the members sitting en banc or in division shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of ~~five~~ seven judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Supreme Court shall have the power, under such rules and regulations as it may adopt and promulgate, to sit in divisions of at least three judges each. Each division shall have full power to hear and adjudge all cases that may be assigned to it except cases involving the constitutionality of a statute. If the judges composing any division differ as to the judgment to be rendered in any cause, or if any judge of a division within a time and in a manner to be fixed by the rules and regulations of the court certifies that in his or her opinion that any decision of any division of the court is in conflict with any prior decision of the court or of any division thereof, the cause shall then be considered and adjudged by the full court or a quorum thereof. ~~The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of~~

~~the court of five judges in each division. Whenever judges of the district court are so acting the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the Supreme Court.~~ The Chief Justice shall make assignments of judges to the divisions of the court; and shall preside over the division of which he or she is a member; and shall designate ~~the~~ a presiding judge ~~of the~~ for each other division. ~~The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute, and all appeals from conviction of homicide; and may review any decision rendered by a division of the court. In such cases, in~~ In the event of the disability or disqualification by interest or otherwise, of any of the ~~judges~~ Judges of the Supreme Court, the court may appoint judges of the district court or retired Judges of the Supreme Court to sit temporarily as ~~judges~~ Judges of the Supreme Court, sufficient to constitute a full court of ~~seven~~ nine judges. The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Judges of the district court shall receive no additional salary by virtue of their appointment and service as herein provided; but ~~they~~ shall be reimbursed their actual and necessary ~~traveling and hotel~~ expenses. Until the additional judges take office and the Supreme Court consists of nine judges, the provisions of this section as they existed prior to this amendment shall remain in effect."

CV-4 "The Chief Justice and two of the Judges of the Supreme Court shall be selected at large and six shall be selected by judicial district as provided in this Article V. They shall reside at the place where the court is located but no Justice or Judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected."

CV-21 "(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented to him or her, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court or district court or such other court or courts as the Legislature shall provide shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide, except ~~; PROVIDED,~~ that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification, shall be deemed to have been selected and to have once received the approval of the electorate as herein provided~~,~~ and shall be required to submit his or her right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed~~,~~ and every six years thereafter. In the case of the Chief Justice of the Supreme Court and those Judges of the Supreme Court selected at large, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice and those selected at large, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and the Judges of the Supreme Court selected at large and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~ chairperson, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of said commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within

a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 number of Judges of the Supreme Court, to authorize divisions of the Supreme Court, to provide for and eliminate provisions relating to temporary duty on the Supreme Court, to provide for selection of the new judges, and to harmonize provisions.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 11CA. Introduced by Scofield, 49th District; Smith, 33rd District; Schellpeper, 18th District; Peterson, 21st District.

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

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XIII, section 2, 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.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such sums of money as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 local sources of revenue 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.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 12CA. Introduced by Scofield, 49th District; Smith, 33rd District; Peterson, 21st District; Schellpeper, 18th District.

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

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XIII, section 2, 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.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to make loans for economic or industrial development projects and to appropriate from local sources of revenue such sums of money as may be deemed necessary for the creation of a fund for the making of such loans subject to the approval by a vote of a majority of the registered voters of such city or village voting upon the question.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 make loans for economic or industrial development projects from appropriations of local sources of revenue 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.

Referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 598. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to investments; to adopt the Alternative Investment Act.

MOTION - Place LB 275 on General File

Messrs. Withem, Hartnett, Chizek, Bernard-Stevens, Lamb, Korshoj, and Mrs. Nelson moved to suspend Rule 7 §3a, Rule 6 §2, Rule 3 §3e, Rule 3 §13, and Rule 3 §19 and place LB 275 on General File.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Robak asked unanimous consent to have her name added as co-introducer to LB 472. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 479. No objections. So ordered.

Mr. Morrissey asked unanimous consent to have his name added as co-introducer to LB 162. No objections. So ordered.

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 374. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 163. No objections. So ordered.

MOTION - Withdraw LB 235

Mr. Wehrbein moved to withdraw LB 235.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 599. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988; to increase the tax imposed on the sales or use of motor vehicles, trailers, and semitrailers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

VISITORS

Visitors to the Chamber were eight students and teacher from David City High School; and 20 students and teacher from Hastings College.

ADJOURNMENT

At 11:10 a.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Thursday, January 19, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 19, 1989

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 19, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gary Wachter, Second Baptist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Chambers, Haberman, Hall, Hartnett, Moore, Peterson, Warner, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 60. Placed on General File.
LEGISLATIVE BILL 97. Placed on General File.
LEGISLATIVE BILL 126. Placed on General File.
LEGISLATIVE BILL 207. Placed on General File.

(Signed) David Landis, Chairperson

MOTION - Withdraw LB 235

Mr. Wehrbein renewed his pending motion found in the Journal on page 294 to withdraw LB 235.

The motion to withdraw prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Ashford	Crosby	Labedz	Morrissey	Schellpeper
Baack	Haberman	Lindsay	Nelson	Schimek
Beck	Hall	Lynch	Pirsch	Wesely
Chambers	Korshoj	McFarland	Robak	Withem
Chizek				

Voting in the negative, 25:

Abboud	Coordsen	Hefner	Landis	Scofield
Barrett	Dierks	Johnson, L.	Langford	Smith
Bernard-Stevens	Elmer	Johnson, R.	Moore	Warner
	Goodrich	Kristensen	Rogers	Wehrbein
Beyer	Hannibal	Lamb	Schmit	Weihing
Conway				

Present and not voting, 2:

Hartnett Peterson

Excused and not voting, 1:

Byars

Failed to advance to E & R for Review with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 600. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to appropriations; to authorize construction at the University of Nebraska-Lincoln as prescribed; to state intent; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 601. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1445, Reissue Revised Statutes of Nebraska, 1943; to require formation of a campaign committee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Warner, 25th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-2215 and 39-2215.01, Reissue Revised Statutes of Nebraska, 1943, and sections 66-424, 66-473, and 66-605.02, Revised Statutes Supplement, 1988; to change provisions relating to the allocation of funds in the Highway Trust Fund to the Department of Roads as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 603. Introduced by Hartnett, 45th District; Chambers, 11th District; Schmit, 23rd District; Landis, 46th District; Labedz, 5th District; Bernard-Stevens, 42nd District; Barrett, 39th District; Moore, 24th District; Baack, 47th District; Crosby, 29th District; Peterson, 21st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-285, 43-1301, 43-1302, 43-1303, 43-1308, and 43-1314, Reissue Revised Statutes of Nebraska, 1943; to provide for standing for the State Foster Care Review Board in certain proceedings as prescribed; to redefine a term; to limit liability; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 33-150, 81-8,134, and 81-8,139, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement that the State Athletic Commissioner remit fees to the General Fund as prescribed; to change provisions relating to physical examinations of boxers prior to matches; to require neurological examinations as prescribed; to provide duties for the State Athletic Commissioner; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 605. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 606. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to banks and banking; to define terms; to limit actions on credit agreements as prescribed; and to provide an operative date.

LEGISLATIVE BILL 607. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1504, Revised Statutes Supplement, 1988; to provide for adjustments to valuation by the State Board of Equalization and Assessment and county boards of equalization as prescribed; and to repeal the original section.

LEGISLATIVE BILL 608. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1419, Reissue Revised Statutes of Nebraska, 1943; to change

provisions relating to the contents of surety bonds for dealers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 609. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-428 and 32-451, Reissue Revised Statutes of Nebraska, 1943; to prohibit write-in space on ballots for primary elections for directors of natural resources districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 610. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Department on Aging; to amend sections 71-5906, 71-6019, 71-6021, 71-6035, 81-101, 81-2209, 81-2213, 81-2215, 81-2221, and 81-2224, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2023 and 71-2041.02, Revised Statutes Supplement, 1988; to authorize the creation of the Long-Term Care Ombudsman of the Department on Aging; to authorize access to certain facilities and records; to change provisions relating to grounds for certain disciplinary actions; to harmonize references to the federal Older Americans Act; to harmonize other provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-490, 79-4,160, 79-12,145, 79-1368, and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and sections 72-1237.01, 77-678, 79-4,102 and 79-1344.02, Revised Statutes Supplement, 1988; 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 to 79-1334, 79-1336 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1335 and 79-1344.03, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 612. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to state intent; to define terms; to provide an educational accountability program as prescribed; to provide requirements for tests; to provide for the evaluation and assessment of school employees and certain department personnel as prescribed; to provide procedures; to

provide for studies of courses of instruction; to require reports; to provide accreditation standards; to provide for monitoring and enforcement; and to declare an emergency.

LEGISLATIVE BILL 613. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to insurance; to provide for an insurance pool as prescribed; to state intent; to define terms; to provide powers and duties; to require certain types of coverage to be made available; and to provide for a tax credit.

LEGISLATIVE BILL 614. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to health care; to amend sections 71-2017.01, 71-2052, 71-6038, and 71-6039, Revised Statutes Supplement, 1988; to change staffing requirements; to provide criteria for granting of waivers for staffing requirements; to change certain staff training requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 615. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to liens; to provide a lien for services provided by cattle buyers; and to provide for filing and termination of such liens.

LEGISLATIVE BILL 616. Introduced by Schmit, 23rd District.

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

LEGISLATIVE BILL 617. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to electric utilities; to provide for coordinated operation of electric power facilities and resources.

LEGISLATIVE BILL 618. Introduced by Dierks, 40th District; Baack, 47th District; Pirsch, 10th District; Schellpeper, 18th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to state intent; to create a fund; and to provide funds for staff development of educational service units as prescribed.

LEGISLATIVE BILL 619. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to chemigation; to amend sections 46-1124, 46-1126, and 46-1138, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to inspections, the authority to order suspension of the operation of a system, and other enforcement powers; and to repeal the original sections.

LEGISLATIVE BILL 620. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to hazardous waste; to amend section 81-1521.17, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to approval or disapproval of a commercial hazardous waste management facility; and to repeal the original section.

LEGISLATIVE BILL 621. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1508 and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to change and provide civil and criminal penalties for certain violations; to authorize restraining orders and injunctions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Morrissey, 1st District; Weihing, 48th 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 623. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,151, 81-15,152, 81-15,154, and 81-15,158, Revised Statutes Supplement, 1988; to change a provision relating to the Wastewater Treatment Facilities Construction Loan Fund; to create a fund; to provide for discounted interest rates for certain loans; to change provisions relating to categories of loan eligibility as prescribed; and to change provisions relating to nonpayment of loans by municipalities; and to repeal the original sections.

LEGISLATIVE BILL 624. Introduced by Warner, 25th District; Wehrbein, 2nd 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 625. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th 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, 81-1507, 81-1510, 81-1518, 81-1521.08, 81-1526, 81-1528, and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to authorize consideration of additional factors in permitting and licensing activities; to authorize fees; to authorize the department to require the supplying of potable water; to change and provide additional criteria for rules and regulations; to change provisions relating to the disposition of certain fees; to change provisions relating to certain hearings and other proceedings; to authorize orders requiring corrective actions; to authorize administrative fines; to eliminate procedural provisions inconsistent with or duplicative of the Administrative Procedure Act; to eliminate obsolete provisions relating to local pollution control programs and

rules and regulations governing mineral exploration holes; to eliminate certain provisions relating to permits for commercial hazardous waste management facilities; to harmonize provisions; and to repeal the original sections, and also sections 81-1505.02 and 81-1521.21 to 81-1521.23, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 626. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to crimes and punishments; 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 627. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to public defenders; to amend section 29-1804, Revised Statutes Supplement, 1988; to change a residency requirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 628. Introduced by Robak, 22nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to notice of public meetings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 629. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1988; to exempt interest and dividends from certain state and municipal obligations as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 630. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to elevators; to amend section 48-418.12, Reissue Revised Statutes of Nebraska, 1943; to change

provisions relating to the Nebraska Elevator Code as prescribed; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to initiative and referendum; to provide a procedure which authorizes the Legislature to act on an initiative petition prior to placement of the issue on the ballot as prescribed.

LEGISLATIVE BILL 632. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to credit for military service by school employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to cemeteries; to amend section 17-938, Reissue Revised Statutes of Nebraska, 1943; to authorize reclamation of lots and subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 634. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to define terms; to provide property tax reimbursements on homesteads as prescribed; to provide duties for the county treasurer and Tax Commissioner; to provide for a hearing and appeal; and to declare an emergency.

LEGISLATIVE BILL 635. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-1401 and 32-1403, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change certain requirements before obtaining petition papers as prescribed; to provide a restriction on the grounds for recall; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska, 1943; to remove benefits for seasonal employees as prescribed; to define terms; to provide a duty for the Commissioner of Labor; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-705, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the payment of petition circulators; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Baack, 47th District; Withem, 14th District.

A BILL FOR AN ACT relating to ballots; to amend sections 14-205, 19-408, 32-420.02, 32-424, 32-426, 32-528, and 79-803.10, Reissue Revised Statutes of Nebraska, 1943; to change the order of candidates' names as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Robak, 22nd District.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1201.07, 81-1201.08, 81-1201.10, 81-1201.14, 81-1201.15, 81-1201.16, and 81-1201.18, Reissue Revised Statutes of Nebraska, 1943; to provide and eliminate certain divisions within the department; to provide duties for such new divisions; to harmonize provisions; and to repeal the original sections, and also section 81-1201.17, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 640. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Robak, 22nd District; Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-1401 to 32-1408, Reissue Revised Statutes of Nebraska, 1943; 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 641. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207, 2-1207.01, and 2-1213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to breeder awards; to change provisions relating to races limited to Nebraska-bred horses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to handguns; to provide a waiting period prior to transfer of a handgun; to require a notice; to provide for an investigation; to require records as prescribed; to provide a penalty; and to define a term.

LEGISLATIVE BILL 643. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to property taxation; to amend section 13-508, Reissue Revised Statutes of Nebraska, 1943; to provide an allowance for estimated tax losses for budgeting purposes as prescribed; to eliminate provisions relating to suits by railroads concerning valuation of property; and to repeal the original section, and also sections 77-619 and 77-620, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 644. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1433, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 645. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; and to appropriate funds for exhibit renovation as prescribed.

LEGISLATIVE BILL 646. Introduced by Schellpeper, 18th District; Nelson, 35th District; Baack, 47th District.

A BILL FOR AN ACT relating to hospitals; to provide for full medical staff membership and privileges for podiatrists as prescribed; to provide for rules and regulations; and to provide for enforcement.

LEGISLATIVE BILL 647. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend sections 72-1261, 72-1262, 72-1266, and 72-1269, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define a term; to provide for linked deposits as prescribed; to provide duties for the state investment officer and the Nebraska Investment Council; to limit liability; to change provisions relating to rules and regulations; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 56	Thursday, January 26, 1989	1:30 p.m.
LB 65	Thursday, January 26, 1989	1:30 p.m.
LB 90	Thursday, January 26, 1989	1:30 p.m.
LB 293	Thursday, January 26, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Revenue

LB 292	Thursday, January 26, 1989	1:30 p.m.
LB 294	Thursday, January 26, 1989	1:30 p.m.
LB 426	Thursday, January 26, 1989	1:30 p.m.
LB 375	Thursday, January 26, 1989	1:30 p.m.
LB 209	Thursday, January 26, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

Government, Military and Veterans Affairs

LB 389	Thursday, January 26, 1989	1:30 p.m.
LB 408	Thursday, January 26, 1989	1:30 p.m.
LB 124	Thursday, January 26, 1989	1:30 p.m.
LB 327	Thursday, January 26, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 36. Title read. Considered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 648. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Crosby, 29th District; Dierks, 40th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health; to amend sections 71-3508.03 and 71-3515.01, Revised Statutes Supplement, 1988; to eliminate a termination date for a fee on X-ray radiation-generating equipment; to change the applicability date for certain requirements for X-ray system operators; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 649. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to proof of financial responsibility; to provide for delayed presentation of such proof; to state requirements; to provide for notification; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-377 and 28-726, Revised Statutes Supplement, 1988; to change provisions relating to access to the records of certain abused or neglected persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 651. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-996, Reissue Revised Statutes of Nebraska, 1943; to provide priorities for certain awards; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to labor and employment; to adopt the State Stationary Engineer Act.

LEGISLATIVE BILL 653. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to property taxation; to provide for the assessment of real and personal property by the Tax Commissioner; to create a commission; and to provide duties for the commission.

LEGISLATIVE BILL 654. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to schools; to provide a sales and use tax for school districts as prescribed; to provide duties for the Tax Commissioner; to provide for an administrative fee; to provide a limitation on revenue raised as prescribed; to provide duties for county boards; to provide for a waiver of certain requirements; to provide for reorganization as prescribed; and to provide for an appeal.

LEGISLATIVE BILL 655. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-2702, and 77-2704, Revised Statutes Supplement, 1988; to eliminate a property tax exemption for certain agricultural income-producing machinery; to redefine a term; to exempt certain farm tractors, implements of husbandry, and repair parts from the

sales and use tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to real estate; to define terms; to provide for the registration and regulation of membership camping contracts, salespersons, and brokers as prescribed; to provide application requirements; to provide exemptions from registration; to provide for disciplinary actions; to authorize fees; to provide for disclosure; to provide for cancellation of membership camping contracts; to prohibit certain acts; to provide for enforcement; to provide penalties; and to provide for rules and regulations.

LEGISLATIVE BILL 657. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to schools; to provide for an income tax for certain school districts; to provide for collection and distribution by the Department of Revenue; to provide for a vote on such proposed income tax; to provide for a report and rules and regulations.

LEGISLATIVE BILL 658. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1988; to define the offense of vehicular assault; to provide penalties; to eliminate a penalty; to harmonize provisions; and to repeal the original section, and also section 39-669.39, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 659. Introduced by Lynch, 13th District; Hall, 7th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-102 and 43-107, Reissue Revised Statutes of Nebraska, 1943; to require a preplacement home study in certain adoption proceedings; to provide an exception; to provide a duty for the Department of Social Services; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Lynch, 13th District; Withem, 14th District; Hartnett, 45th District; Chizek, 31st District; Conway, 17th District; Hall, 7th District.

A BILL FOR AN ACT relating to bingo and pickle cards; to amend section 9-239, Reissue Revised Statutes of Nebraska, 1943, and sections 9-231, 9-329.03, 9-340.02, and 9-344, Revised Statutes Supplement, 1988; to change provisions relating to licenses; to change tax rates on bingo receipts; to change payment procedures for definite profits from pickle cards; to change the tax rate for distributors of pickle cards; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2703, Reissue Revised Statutes of Nebraska, 1943, and section 77-2708, Revised Statutes Supplement, 1988; to provide for a refund of sales tax as prescribed; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 38. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 158. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 79. Title read. Considered.

Standing Committee amendment, AM0007, found in the Journal on page 268 for the Ninth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.

Mrs. Smith asked unanimous consent to be excused. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 662. Introduced by Scofield, 49th District; Chizek, 31st District; Coordsen, 32nd District; Wesely, 26th District; Landis, 46th District; Barrett, 39th District; Moore, 24th District; Smith, 33rd District; Baack, 47th District; Labedz, 5th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Services Incentive Act for Communities.

LEGISLATIVE BILL 663. Introduced by Scofield, 49th District; Pirsch, 10th District; Coordsen, 32nd District; Wesely, 26th District; Landis, 46th District; Moore, 24th District; Barrett, 39th District; Baack, 47th District; Smith, 33rd District; Labedz, 5th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-258 and 81-1425, Reissue Revised Statutes of Nebraska, 1943; to adopt the Juvenile Services Act; to change provisions relating to the allocation and payment of certain costs as prescribed; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, the Department of Social Services, and the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 664. Introduced by Scofield, 49th District; Chizek, 31st District; Pirsch, 10th District; Wesely, 26th District; Landis, 46th District; Labedz, 5th District; Smith, 33rd District; Baack, 47th District.

A BILL FOR AN ACT relating to children; to amend section 83-101.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Children's Mental Health Policy Act; to rename the Department of Public Institutions to the Department of Community and Residential Services; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 665. Introduced by Scofield, 49th District; Pirsch, 10th District; Wesely, 26th District; Barrett, 39th District; Landis, 46th District; Smith, 33rd District; Baack, 47th District; Labedz, 5th District.

A BILL FOR AN ACT relating to the Department of Social Services; to state intent; to provide for the establishment of pilot crisis intervention programs; to provide goals; to provide for funding; to provide duties for the department; to provide for interagency cooperation; to provide for training of program personnel; to provide rules and regulations; and to provide for a report.

LEGISLATIVE BILL 666. Introduced by Scofield, 49th District; Baack, 47th District; Smith, 33rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to mental health; to adopt the Prevention Services Act for Children and Family Mental Health.

LEGISLATIVE BILL 667. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Revised Statutes Supplement, 1988; to change a penalty provision for the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 668. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to courts; to amend section 27-404, Reissue Revised Statutes of Nebraska, 1943; to change evidence rule 404 relating to the admissibility in evidence of certain crimes, wrongs, or acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 669. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to probation; to amend section 29-2262, Revised Statutes Supplement, 1988; to change provisions

relating to a condition of probation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 670. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska, 1943; to limit the power of annexation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 671. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222, Reissue Revised Statutes of Nebraska, 1943; to require cities with a population of thirty thousand or more to organize and support a paid fire department; and to repeal the original section.

LEGISLATIVE BILL 672. Introduced by Scofield, 49th District; Coordsen, 32nd District; Hall, 7th District; Dierks, 40th District.

A BILL FOR AN ACT relating to economic development; to create the Rural Development Innovations Grant Program; to provide purposes for the program; to create an advisory committee; and to make an appropriation.

LEGISLATIVE BILL 673. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to insurance; to amend sections 13-919 and 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 25-213 and 81-8,227, Revised Statutes Supplement, 1988; to repeal the Nebraska Hospital-Medical Liability Act; to harmonize provisions; and to repeal the original sections, and also sections 44-2801 to 44-2855, Reissue Revised Statutes, of Nebraska, 1943.

LEGISLATIVE BILL 674. Introduced by Pirsch, 10th District; Nelson, 35th District; Crosby, 29th District; Peterson, 21st District; Beck, 8th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-808 and 28-809, Revised Statutes Supplement, 1988; to change provisions relating to the sale of obscene materials to minors and the admission of minors to an obscene motion picture,

show, or presentation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide an appropriation for a helicopter.

LEGISLATIVE BILL 676. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to liability; to define terms; to limit the liability of persons for damages as prescribed; to provide for the discharge of liability; to provide for the determination of fault as prescribed; to provide for the right of contribution among joint tortfeasers; and to provide an operative date.

LEGISLATIVE BILL 677. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide an appropriation for overtime compensation for drug investigators as prescribed.

LEGISLATIVE BILL 678. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to children; to amend section 68-1206, Reissue Revised Statutes of Nebraska, 1943, and section 79-444, Revised Statutes Supplement, 1988; to state intent and findings; to define terms; to require a fee schedule for rates charged for certain child care services; to require training for providers of early childhood programs; to create a fund; to appropriate funds; to require an information hotline for providers of early childhood programs; to provide for voluntary registration of unlicensed day care home providers; to create a committee; to provide duties; to authorize early childhood programs in residential zones; to require notice of communicable diseases; to provide for inspection of certain day care homes; to create a division in the State Department of Education; to authorize transportation to and from certain programs; to eliminate a requirement for certain statewide child care services; and to repeal the original sections, and also section 43-531, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 679. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Medical Leave Act.

LEGISLATIVE BILL 680. Introduced by Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to child care; to state intent; to create the Child Care Grant Fund; to provide for grants; and to provide for rules and regulations.

LEGISLATIVE BILL 681. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to rental agreements; to adopt the Consumer Rental Purchase Agreement Act.

LEGISLATIVE BILL 682. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to underground storage tanks; to amend sections 81-15,117 to 81-15,121 and 81-15,123 to 81-15,127, Reissue Revised Statutes of Nebraska, 1943, and section 81-15,122, Revised Statutes Supplement, 1988; to restate intent; to define and redefine terms; to change provisions relating to permits for and registrations of tanks; to provide and change fees; to create a fund; to authorize rules and regulations; to change provisions relating to releases of regulated substances; to require the furnishing of information as prescribed; to provide liability for certain costs; to change provisions relating to assessment of a fine; to harmonize provisions; to provide operative dates; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 123. 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.

EASE

The Legislature was at ease from 11:00 a.m. until 11:25 a.m.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 496 through 599 and legislative resolutions LR8CA through LR12CA.

LB	Committee
496	Judiciary
497	Revenue
498	Urban Affairs
499	Education
500	Government, Military & Veterans Affairs
501	Transportation
502	Natural Resources
503	Government, Military & Veterans Affairs
504	Revenue
505	Banking, Commerce & Insurance
506	Nebraska Retirement Systems
507	General Affairs
508	Government, Military & Veterans Affairs
509	Transportation
510	Health & Human Services
511	Health & Human Services
512	Judiciary
513	Transportation
514	Education
515	Transportation
516	Urban Affairs
517	Government, Military & Veterans Affairs
518	Appropriations
519	Health & Human Services
520	Health & Human Services
521	Education
522	Revenue
523	Revenue
524	Government, Military & Veterans Affairs
525	Appropriations
526	Judiciary
527	Natural Resources
528	Revenue
529	Banking, Commerce & Insurance
530	Health & Human Services

531	Education
532	Revenue
533	Transportation
534	Government, Military & Veterans Affairs
535	Revenue
536	Appropriations
537	Health & Human Services
538	Transportation
539	Health & Human Services
540	Revenue
541	Business & Labor
542	Banking, Commerce & Insurance
543	Appropriations
544	Banking, Commerce & Insurance
545	Government, Military & Veterans Affairs
546	Government, Military & Veterans Affairs
547	Judiciary
548	Agriculture
549	Banking, Commerce & Insurance
550	Natural Resources
551	Health & Human Services
552	Judiciary
553	Judiciary
554	Judiciary
555	Judiciary
556	Judiciary
557	Revenue
558	Judiciary
559	Banking, Commerce & Insurance
560	Banking, Commerce & Insurance
561	Judiciary
562	Education
563	Revenue
564	Revenue
565	Judiciary
566	Revenue
567	Education
568	General Affairs
569	Health & Human Services
570	Revenue
571	Judiciary
572	General Affairs
573	Health & Human Services
574	Agriculture

575	Education
576	Transportation
577	Banking, Commerce & Insurance
578	Banking, Commerce & Insurance
579	Judiciary
580	Education
581	Revenue
582	Agriculture
583	Judiciary
584	Judiciary
585	Judiciary
586	Judiciary
587	Natural Resources
588	Government, Military & Veterans Affairs
589	Agriculture
590	Education
591	General Affairs
592	Judiciary
593	Banking, Commerce & Insurance
594	Judiciary
595	Health & Human Services
596	Judiciary
597	Banking, Commerce & Insurance
598	Banking, Commerce & Insurance
599	Revenue

LR	**Committee**
8CA	Judiciary
9CA	Judiciary
10CA	Judiciary
11CA	Urban Affairs
12CA	Urban Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendments to LB 94:
AM0009

1. On page 4, line 10, strike "cost of

actual" and insert "amount of fees and charges prescribed by law which would have been paid to public officials for"; and in line 11 strike "or" and insert "and".

2. On page 6, line 5, strike "buyer" and insert "holder" and strike "be"; in line 6 strike "charged" and insert "charge"; in line 7 strike "actual expense" and insert "amount of fees and charges prescribed by law" and strike "incurred for the" and insert "paid to public officials for"; and in line 8 strike "satisfaction of" and insert "satisfying".

3. On page 7, line 6 after "of" insert "not more than"; and in line 7 strike "default" and insert "delinquency" and strike "fifteen-dollar" and insert "such".

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 267	Friday, January 27, 1989	1:30 p.m.
LB 202	Wednesday, February 1, 1989	1:30 p.m.
LB 443	Wednesday, February 1, 1989	1:30 p.m.
LB 556	Wednesday, February 1, 1989	1:30 p.m.
LB 147	Thursday, February 2, 1989	1:30 p.m.
LB 265	Thursday, February 2, 1989	1:30 p.m.
LB 224	Thursday, February 2, 1989	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 683. Introduced by Landis, 46th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Crosby, 29th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hartnett, 45th District; R. Johnson, 34th District; Korshoj, 16th District; Kristensen, 37th District; Labedz,

5th District; Langford, 36th District; Lindsay, 9th District; Lynch, 13th District; McFarland, 28th District; Morrissey, 1st District; Nelson, 35th District; Peterson, 21st District; Pirsch, 10th District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Schimek, 27th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Weihing, 48th District; Withem, 14th District.

A BILL FOR AN ACT relating to municipalities; to amend section 77-2602, Revised Statutes Supplement, 1988; to change the distribution of the cigarette tax; to adopt the Municipal Infrastructure Redevelopment Fund Act; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 684. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2221, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding enhancement of penalties based upon prior convictions; to provide for a challenge of prior convictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-824, 29-825, and 29-826, Reissue Revised Statutes of Nebraska, 1943; to provide an additional right of appeal; to eliminate a provision for withdrawal and refiling of a complaint as prescribed; to repeal the original sections, and also section 29-827, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 686. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-180.07, Reissue Revised Statutes of Nebraska, 1943; to change a provision which provides a defense to the offense of selling to a minor; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Abboud, 12th District; Beck, 8th District; Schmit, 23rd 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, 1988; to adopt the

Agricultural Products Development Act; to provide income tax credits; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1901 and 71-2017.01, Revised Statutes Supplement, 1988; to authorize staff persons employed by licensed child care providers and certain residential facilities to perform health-related services as prescribed; to provide for training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Lindsay, 9th District; Lynch, 13th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 83-210.01 and 83-210.04 to 83-210.07, Reissue Revised Statutes of Nebraska, 1943, and section 83-211, Revised Statutes Supplement, 1988; to define terms; to provide for contracts for certain vending facility operations; to provide an exemption; to change provisions relating to the licensing of blind persons; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Crosby, 29th District; Moore, 24th District; Peterson, 21st District; Elmer, 38th District; Robak, 22nd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 39-6,211 to 39-6,213, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the required wearing of protective helmets as prescribed; to change provisions relating to approved protective helmets and conformance with federal standards; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Weihing, 48th District; Warner, 25th District.

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

LEGISLATIVE BILL 692. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to bonds; to amend section 10-142, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to refunding bonds issued by certain public entities; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Morrissey, 1st District; Korshoj, 16th District; Chambers, 11th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-216.01, 32-221, and 32-225, Reissue Revised Statutes of Nebraska, 1943; to provide for voter registration on election day; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-102 and 79-1101, Reissue Revised Statutes of Nebraska, 1943; to provide for regional high school systems; to eliminate certain references to Class VI school districts; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 695. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602 and 39-6,134, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change requirements for brakes on trailers as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 696. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to public power; to amend sections 70-601 and 70-655, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the establishment of rates and charges by the board of directors of public power districts; to provide a procedure for the review of such rates and charges; to provide a statute of limitations; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Consumer Protection Act; to amend section 59-1617, Reissue Revised Statutes of Nebraska, 1943;

to change an exemption from the act relating to certain utility services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 698. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1229, Reissue Revised Statutes of Nebraska, 1943; to define a term; and to repeal the original section.

LEGISLATIVE BILL 699. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,140, Revised Statutes Supplement, 1988; to define corporal punishment; and to repeal the original section.

LEGISLATIVE BILL 700. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988; to change the sales and use tax rate; to provide for disposition of the proceeds from such increase; to authorize the Legislature to establish the maximum amount of state aid which school districts can receive; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the Executive Board of the Legislative Council as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 702. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the ex officio member of the executive board; and to repeal the original section.

LEGISLATIVE BILL 703. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to hours of operation; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-123.04, and 53-175, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to authorize certain sales of alcoholic liquor between retailers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 705. Introduced by Lindsay, 9th District; Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to define terms; to exempt from the sales and use tax purchases of art by fine arts museums; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 706. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201, 58-202, 58-207, 58-219, and 58-250, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define and redefine terms; to provide for loans from the authority to schools for abatement of environmental hazards; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2703, Revised Statutes Supplement, 1988; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 708. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to state intent; to prohibit certain acts by intercollegiate athletic associations, colleges, and universities relating to certain financial aid grants; to

provide penalties and for civil actions; to provide duties for the Attorney General; and to provide for applicability.

LEGISLATIVE BILL 709. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to require payment of football players as prescribed; to state intent; and to provide a limitation.

LEGISLATIVE BILL 710. Introduced by Scofield, 49th District; Lamb, 43rd District; Dierks, 40th District.

A BILL FOR AN ACT relating to water; to appropriate funds for an analysis of water management alternatives; to eliminate provisions requiring a study of water transfers; and to repeal sections 2-15,118 and 2-15,120, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,119, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 711. Introduced by Coordsen, 32nd District; Lamb, 43rd District; Wesely, 26th District; Withem, 14th District; Scofield, 49th District; Labedz, 5th District; Haberman, 44th District; Peterson, 21st District; Dierks, 40th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to transactions exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to the Political Subdivision Tort Claims Act; to amend sections 13-901 and 13-910, Reissue Revised Statutes of Nebraska, 1943; to provide immunity from liability for political subdivisions and their employees for acts and omissions related to inspections; to provide duties for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,177, Reissue Revised Statutes of Nebraska, 1943; to provide an exception for certain overwidth vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 714. Introduced by Lamb, 43rd District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to change the definitions of retailer and contractor or repairperson; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Lamb, 43rd District; Scofield, 49th District; Dierks, 40th District.

A BILL FOR AN ACT relating to water; to amend sections 33-105, 46-233.01, 46-233.02. 46-613.01, and 46-613.02, Reissue Revised Statutes of Nebraska, 1943; to provide a fee; to change provisions relating to diversion and storage of surface water and withdrawal and transportation of ground water in Nebraska for use in another state; to change and provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT relating to water management; to create the Water Impoundment Construction Trust Fund; and to appropriate funds.

LEGISLATIVE BILL 717. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to deeds; to amend section 76-214, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain information required in recording statements; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to fuels; to amend section 66-1308, Revised Statutes Supplement, 1988; to provide for a refund of certain taxes; and to repeal the original section.

LEGISLATIVE BILL 719. Introduced by Withem, 14th District; Baack, 47th District.

A BILL FOR AN ACT relating to telephone services; to state intent; to define terms; to provide for the funding of 911 emergency

telephone communications systems; to authorize a surcharge and certain agreements; and to provide immunity from liability.

LEGISLATIVE BILL 720. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to paupers; to amend section 68-1207, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director of Social Services; to provide for caseload standards; and to repeal the original section.

LEGISLATIVE BILL 721. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to children; to state findings; to make the Attorney General responsible for prosecution of crimes against and handling of certain proceedings involving children; to require the establishment of a child protection division in the Department of Justice; and to provide powers and duties.

LEGISLATIVE BILL 722. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1426, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the furnishing of records to the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to mental health; to amend sections 83-380.01, 83-1002, and 83-1062, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to change provisions relating to prescription medicine being provided to an indigent person who received mental health treatment as prescribed; to define a term; to provide enforcement of and transportation for treatment of certain mentally ill persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2017.03, Revised Statutes Supplement, 1988; to change a provision relating to the construction of the terms home for aged, home for aged or infirm, and nursing home; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the destruction of records of certificates of title; and to repeal the original section.

LEGISLATIVE BILL 726. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to the Emergency Medical Technician-Paramedic Act; to amend sections 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, 77-5521, and 71-5523, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5502, 71-5504, 77-5508, 77-5517, 71-5519, and 77-5520, Revised Statutes Supplement, 1988; to redefine and define terms; to change provisions relating to emergency medical technicians; to change certification requirements; to change provisions relating to services performed by technicians; to provide for certification of training programs as prescribed; to transfer provisions; to change provisions relating to renewal and revocation of certification; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 570. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 576. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 570. No objections. So ordered.

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 247. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Messrs. Peterson, Coordsen, and Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 11:35 a.m. until 12:13 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 727. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the severance tax; to amend sections 19-4617, 57-705, 81-1633, and 81-1634, Reissue Revised Statutes of Nebraska, 1943; to authorize appropriations from the Severance Tax Fund; to provide powers and duties for the Appropriations Committee of the Legislature; to change provisions relating to the School Weatherization Fund; to provide continuation funding for administrative expenses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 728. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to interest; to amend sections 21-20,139, 45-104.01, 57-710, 57-717, 57-919, 66-605.04, 66-621, 66-623, 66-624, 66-625, 66-646, 70-1020, 74-1320, 77-918, 77-2102, 77-2618, 77-2709, 77-2769.01, 77-2788, and 77-2794, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1780, 77-2708, 77-2711, 77-4022, and 81-2404, Revised Statutes Supplement, 1988; to change provisions relating to interest on delinquent payments, refunds, credits, and overpayments of taxes, assessments, and other charges imposed by the state; to change interest provisions for certain delinquent payments by the state and state agencies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-379, 77-382, 77-385, and 81-125, Reissue Revised Statutes of Nebraska, 1943; to require submission of tax expenditure reports and summaries as prescribed; to change provisions relating to such reports; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections, and also section 77-384, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 730. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943; to change the compensation for certain district directors; and to repeal the original section.

LEGISLATIVE BILL 731. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508, 77-3513, and 77-3514, Revised Statutes Supplement, 1988; to provide for a homestead exemption for certain persons with progressive pulmonary disease as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1002 and 83-1009, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 733. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to nursing home administrators; to amend sections 71-2041.02, 71-2041.03, and 71-2041.04, Revised Statutes Supplement, 1988; to provide for an additional nursing home administrator license as prescribed; to provide requirements for education and training; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. 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.

LEGISLATIVE BILL 735. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to adopt the Nebraska Postsecondary Student Computer Availability Act.

LEGISLATIVE BILL 736. Introduced by R. Johnson, 34th District; Robak, 22nd District; Nelson, 35th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01, 2,1207, 2-1224, 2-1225, and 2-1227, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define and redefine terms; to change provisions relating to simulcasting; to authorize interstate simulcasting; to provide powers and duties for the State Racing Commission; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt certain purchases of advertising from the sales and use tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Schimek, 27th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1239 and 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-1233, Revised Statutes Supplement, 1988; to change provisions relating to teacher's certificate requirements and to the hiring of teachers and administrators who do not have a valid Nebraska certificate or permit; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 739. 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 77-2715.02, 77-2515.07, and 77-2716.01, Revised Statutes Supplement, 1988; to change provisions relating to the computation of income tax rates, income tax credits, and income tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 740. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to school nurses; to amend section 79-1233, Revised Statutes Supplement, 1988; to provide requirements for employment; and to repeal the original section.

LEGISLATIVE BILL 741. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to health; to amend section 79-321.03, Reissue Revised Statutes of Nebraska, 1943; to include certain health services in the services to be provided by schools and other agencies of the state; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Robak, 22nd District; Schmit, 23rd District; Chizek, 31st District; Smith, 33rd District; Ashford, 6th District; Moore, 24th District; Elmer, 38th District; Withem, 14th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-407 and 60-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eyesight requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Smith, 33rd District; Coordsen, 32nd District; Schellpeper, 18th District; Dierks, 40th District; Labedz, 5th District; Schmit, 23rd District; Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to carry out the Nebraska Community Aging Services Act.

LEGISLATIVE BILL 744. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to education; to state findings; to create the Nebraska Education Data Center; to create an advisory committee; to provide duties; and to appropriate funds.

LEGISLATIVE BILL 745. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to health care; to amend sections 44-3211, 44-3236, and 84-1409, Reissue Revised Statutes of

Nebraska, 1943, and sections 71-1637 and 81-651, Revised Statutes Supplement, 1988; to eliminate the Nebraska Health Care Certificate of Need Act; to harmonize provisions; and to repeal the original sections, and also sections 71-5801 to 71-5813, 71-5815 to 71-5818.01, 71-5820 to 71-5826, 71-5828 to 71-5838, 71-5840, 71-5841, 71-5843 to 71-5855, 71-5857 to 71-5865, 71-5867 to 71-5870, and 71-5872, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5819, 71-5842, and 71-5866, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 746. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Bank Holding Company Act of 1963; to amend sections 8-901 and 8-902, Revised Statutes Supplement, 1988; to define terms; to require reporting as prescribed; to provide powers and duties for the Director of Banking and Finance; to provide a limitation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Chizek, 31st District; Withem, 14th District; Hartnett, 45th District; Ashford, 6th District; Abboud, 12th District; Robak, 22nd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3509.03, 77-3512, 77-3521, and 77-3522, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3501, 77-3509.01, 77-3509.02, 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, and 77-3529, Revised Statutes Supplement, 1988; to provide an exemption based on actual value as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1260, Reissue Revised Statutes of Nebraska, 1943; to authorize the council to give priority to participation in certain loans; to harmonize provisions; to provide a duty for the council; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to public depositories; to amend sections 15-847, 16-715, 72-1268.04, 77-2306, 77-2344, and 77-2355, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2320, 77-2326.04, and 77-2352, Revised Statutes Supplement, 1988; to add

a permissible type of security which depositories of public funds may pledge as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Supplement, 1988; to provide for payment of sales tax on boats; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2101, Reissue Revised Statutes of Nebraska, 1943; to provide for continuing education for electricians; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 752. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Revised Statutes Supplement, 1988; to change provisions relating to tuition assistance; and to repeal the original section.

LEGISLATIVE BILL 753. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Medical Student Assistance Act; to amend sections 71-5613 to 71-5615, 71-5618 to 71-5621, 71-5625, 71-5628, 71-5630 to 71-5633, 71-5636, 71-5640, 71-5643, and 71-5643.01, Reissue Revised Statutes of Nebraska, 1943; to rename the act; to redefine terms; to change provisions relating to the types of students eligible for assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to health; to state findings and declare legislative intent; and to provide duties for the Director of Health and the Commissioner of Labor as prescribed.

LEGISLATIVE BILL 755. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District;

R. Johnson, 34th District; Lamb, 43rd District; Weihing, 48th 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 756. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to cities; to amend sections 16-305 and 17-108.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to combining of duties in offices and employments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by Korshoj, 16th District; Beck, 8th District; Langford, 36th District; Pirsch, 10th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to naturopathic medicine; to amend sections 33-150, 48-120, 71-117, 71-119, 71-120, 71-121.01, 71-122, 71-123, 71-124, 71-124.01, 71-139, 71-174, 71-178, 71-1,103, 71-1,132.05, 71-1,132.06, 71-1,138, 71-1,187, 71-1,207, 71-1,235, and 71-1,240, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1437, 71-101, 71-102, 71-107, 71-110, 71-111, 71-112, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-121, 71-131, 71-162, 71-1,256, 71-1,279, and 71-2802, Revised Statutes Supplement, 1988; to provide for the licensure of naturopaths; to define and redefine terms; to create a subcommittee; to provide powers and duties; to require continuing education as prescribed; to provide exceptions; to define the scope of practice for naturopaths; to create a fund; to provide penalties; to provide examinations; to provide for fees; to provide for enforcement; to harmonize provisions; to provide a termination date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2306, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the deposit of securities in lieu of bonds for depositories of state funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 759. Introduced by L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to building and loan associations; to amend sections 8-305 and 8-358, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the use of certain names; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 760. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to the state colleges; to amend sections 49-617, 72-1246.03, 79-1254.02, 79-3002, 81-1118.02, 81-1273, 81-1371, 81-1376, 81-1379, 81-1384, 82-404, 82-407, 82-408, 84-1005, 85-302, 85-304.01 to 85-304.03, 85-308, 85-317.01, 85-319, 85-320, 85-322, 85-323, 85-325, 85-401 to 85-403.01, 85-606.01, 85-902, 85-940, 85-949, 85-952, 85-954 to 85-958, 85-966, 85-9,109, 85-1001, and 85-1003 to 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 10-127, 68-621, 77-2602, 81-1316, 81-1373, 85-301, 85-324, and 85-948, Revised Statutes Supplement, 1988; to rename the state colleges and the Board Trustees of the Nebraska State Colleges; to state intent; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District; and Kristensen, 37th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-1590, 81-15,101.02, and 81-15,106, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1578, 81-1579.01, 81-1581, 81-15,101.01, 81-15,104, and 81-15,113.01, Revised Statutes Supplement, 1988; to state intent; to define and redefine terms; to authorize local monitoring committees to have access to data and an inspector as prescribed; to provide additional building requirements for a facility; to authorize a special assessment against generators; to change provisions relating to the term of a license; to impose a surcharge on facility users; to provide for distribution of the surcharge; to prohibit receipt of wastes as prescribed; to provide for well sampling and analysis and testing of agricultural products; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 762. Introduced by Revenue Committee: Hall, 7th District, Chairperson; Haberman, 44th District; Hartnett, 45th District; Hefner, 19th District; Labedz, 5th District; Landis, 46th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1735 and 77-1736.04, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1734.01, 77-1775, and 77-1777, Revised Statutes Supplement, 1988; to change provisions relating to the refund and credit of property taxes; to provide procedures; to define a term; to eliminate refund procedures, applicability provisions, and a definition; and to repeal the original sections, and also sections 77-1736, 77-1736.05, 77-1736.08, and 77-1736.09, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1736.11 and 77-1776, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 763. Introduced by Morrissey, 1st District.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-15,101, 81-15,101.02, 81-15,103, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1578, 81-15,101.01, and 81-15,101.03, Revised Statutes Supplement, 1988; to redefine terms; to change provisions relating to appropriations; to remove a limitation on use of funds as prescribed; to provide powers and duties; to change provisions relating to licensure; to create a rebuttable presumption of liability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 764. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to solid waste; to adopt the Nebraska Solid Waste Reduction and Management Act; and to appropriate funds.

LEGISLATIVE BILL 765. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Elmer, 38th District; Hartnett, 45th District; R. Johnson, 34th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-328, 9-329.04, 9-340.02, 9-345.01, and 9-345.03, Revised Statutes Supplement, 1988; to authorize licensed organizations to act as pickle card operators and sell their own pickle cards; to change a provision relating to dispensing devices as prescribed; to eliminate a definition; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-306.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 766. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Elmer, 38th District; Hartnett, 45th District; R. Johnson, 34th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-202 and 9-254, Reissue Revised Statutes of Nebraska, 1943, and sections 9-201, 9-203, 9-209, 9-212, 9-226, 9-234, 9-242, and 9-253, Revised Statutes Supplement, 1988; to define and redefine terms; to provide for the licensure of manufacturers as prescribed; to provide procedures; to provide duties for such manufacturer; to provide a fee; to provide restrictions on the purchase and use of certain bingo supplies or equipment; to provide for the seizure of contraband goods; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Smith, 33rd District; R. Johnson, 34th District; Elmer, 38th District.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, 9-605, 9-607, 9-608, 9-610, and 9-611, Reissue Revised Statutes of Nebraska, 1943, and section 9-1,101, Revised Statutes Supplement, 1988; to define and redefine terms; to provide for the licensing of counties, cities, and villages which conduct lotteries, lottery operators, and manufacturer-distributors; to provide procedures; to provide fees; to provide construction standards for certain lottery tickets; to provide powers and duties for the Department of Revenue; to provide for an administrative fine; to provide a hearing; to provide qualifications; to provide an age restriction; to change a provision relating to the lottery tax; to provide for the seizure of contraband; to prohibit certain activities; to provide for reports; to restrict certain sales; to provide penalties; to change provisions relating to reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 768. Introduced by Labedz, 5th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943; to authorize an occupation tax on retailers by cities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 769. Introduced by Labedz, 5th District; Barrett, 39th District; Beck, 8th District; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Crosby, 29th District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Hall, 7th District; Hartnett, 45th District; Hefner, 19th District; L. Johnson, 15th District; Korshoj, 16th District; Kristensen, 37th District; Lamb, 43rd District; Langford, 36th District; Lindsay, 9th District; Lynch, 13th District; McFarland, 28th District; Peterson, 21st District; Pirsch, 10th District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to abortion; to define terms; to prohibit the performance of abortions for certain persons without notification as prescribed; to provide notification requirements; to provide exceptions to notification; to provide judicial procedure; to provide a penalty; to limit liability; and to provide severability.

LEGISLATIVE BILL 770. Introduced by Bernard-Stevens, 42nd District; Baack, 47th District; Schimek, 27th District; Wehrbein, 2nd District; Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for costs of academic computing and library automation at the state colleges; and to declare an emergency.

LEGISLATIVE BILL 771. Introduced by Hartnett, 45th District; Smith, 33rd District; Beck, 8th District.

A BILL FOR AN ACT relating to insurance; to provide an insurance premium reduction for certain motor vehicle owners as prescribed.

LEGISLATIVE BILL 772. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Smith, 33rd District.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claim Act; to amend section 13-926, Reissue Revised Statutes of Nebraska, 1943; to provide a limitation on application of recovery limits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 773. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Pirsch, 10th District; Smith, 33rd District.

A BILL FOR AN ACT relating to municipalities; to amend section 16-674, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to acquisition of utility properties by certain cities; to require an economic impact statement prior to acquisition of certain gas utility properties; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Schmit, 23rd District; Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988; to create the Property Tax Relief Fund; to provide for the use and funding of the fund; to increase the sales tax rate; to change the distribution of certain tax revenue; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Beck, 8th District; Lindsay, 9th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to bingo; to amend section 9-239, Reissue Revised Statutes of Nebraska, 1943; to change the rates of tax on bingo as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 776. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3503, Reissue Revised Statutes of Nebraska, 1943; to exempt the issuance or extension of service contracts by regulated industries from certain requirements; to repeal the original section; and to declare an emergency.

EASE

The Legislature was at ease from 12:23 p.m. until 12:45 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 777. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Hall, 7th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-164.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the shipment of alcoholic liquor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Hall, 7th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-124.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special designated permits; to establish a time limitation; to require a bond as prescribed; and to repeal the original section.

LEGISLATIVE BILL 779. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2727 and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2714.01, 77-2715, 77-2715.02, 77-2715.09, 77-2716, 77-2717, 77-2729, 77-2730, 77-2734.01, 77-2775, 77-2781, 77-2786, and 77-2793, Revised Statutes Supplement, 1988; to change calculations relating to income tax; to change the income factors; to determine income tax on federal taxable income rather than federal adjusted gross income; to eliminate an exemption and deductions; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-2716.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 780. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Hall, 7th District; R. Johnson, 34th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-107, 53-109 to 53-112, 53-113, 53-114, 53-123.05, 53-132, 53-159, 53-164.01, 53-172, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943; to change references to the secretary of the Nebraska Liquor Control Commission; to change a provision relating to compensation of employees of the commission; to eliminate certain oath and bond requirements; to eliminate a requirement for the sale of beer; to eliminate a requirement that revenue stamps be attached to packages; to eliminate provisions relating to salary increases; to eliminate a provision providing for taxation of liquor held on July 6, 1972; to harmonize provisions; and to repeal the original sections, and also sections 53-112.03, 53-112.04, and 53-160.09, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 781. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Hall, 7th District; Hartnett, 45th District; R. Johnson, 34th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-101.01, 53-116, 53-131, 53-132, 53-133, 53-134, 53-147, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943; to restate intent and policy; to change provisions relating to the powers of the Nebraska Liquor Control Commission and local governing bodies; to provide standards of consideration relating to the issuance of licenses; to change certain hearing and appeal procedures; to provide for the issuance of certain information; to authorize a fee; to create a fund; to eliminate certain sections declared unconstitutional; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 53-117.03 and 53-117.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 782. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to require infertility coverage in certain health insurance policies; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02 and 77-1716.01, Revised Statutes Supplement, 1988; to change provisions for calculating taxable income as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 784. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715.02, and 77-2716.01, Revised Statutes Supplement, 1988; to change income tax rates; to change provisions for calculating income tax liability as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715.02, and 77-2716.01, Revised Statutes Supplement, 1988; to change income tax rates; to change provisions for calculating the income tax as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2727 and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701.01, 77-2714.01, 77-2715, 77-2715.02, 77-2715.09, 77-2716, 77-2717, 77-2729, 77-2730, 77-2734.01, 77-2734.02, 77-2775, 77-2781, 77-2786, and 77-2793, Revised Statutes Supplement, 1988; to change calculations relating to income tax; to change the income tax rate and certain factors; to determine income tax on federal taxable income rather than federal adjusted gross income; to eliminate an exemption and deductions; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-2716.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 787. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2727 and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701.01, 77-2714.01, 77-2715, 77-2715.02, 77-2715.09, 77-2716, 77-2717, 77-2729, 77-2730, 77-2734.01, 77-2734.02, 77-2775, 77-2781, 77-2786, and 77-2793, Revised Statutes Supplement, 1988; to change calculations relating to

income tax; to change the income tax rate and certain factors; to determine income tax on federal taxable income rather than federal adjusted gross income; to eliminate an exemption and deductions; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-2716.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 788. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to electricity; to adopt the Municipal Waste-to-Energy Facilities Act.

LEGISLATIVE BILL 789. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1007 and 16-1013, Reissue Revised Statutes of Nebraska, 1943; to authorize lump-sum benefits for certain police officers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 790. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-312 and 16-404, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to voting by the mayor; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to define a term; and to provide for an election relating to membership in a fire protection district.

LEGISLATIVE BILL 792. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 793. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine a

term; to provide for taxation of certain devices and services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 794. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-370, 77-519, 77-1301.01 to 77-1301.04, 77-1301.07, 77-1301.13, 77-1301.14, 77-1306.01, 77-1311, 77-1314, 77-1327, 77-1329 to 77-1334, 77-1338 to 77-1340, 77-1342, 77-1345, 77-1346, 77-1360, 77-1361, 77-1367, 77-1601, 77-1602, and 77-1615.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-510, 77-1301.06, 77-1301.08, 77-1301.12, 77-1301.15, 77-1336, 77-1358, 77-1359, 77-1362, 77-1363, 77-1364, 77-1365, 77-1368, 77-1502, 77-1503.01, 77-1504, 77-1506.02, and 77-1507, Revised Statutes Supplement, 1988; to adopt the Property Tax Equalization Commission Act; to eliminate the State Board of Equalization of Assessment; to transfer certain powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 77-367, 77-368, and 77-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 77-501 to 77-506, 77-507.01, 77-508 to 77-509, and 77-511, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 795. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1579, Revised Statutes Supplement, 1988; to restate intent; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Labedz, 5th District; Lynch, 13th District; Hall, 7th District; Chizek, 31st District; Ashford, 6th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to be used for transit centers and bus shelters.

LEGISLATIVE BILL 797. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Highway Trust Fund as prescribed.

LEGISLATIVE BILL 798. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to chiropractic; to require the Department of Health to authorize practical training for senior chiropractic students as prescribed.

LEGISLATIVE BILL 799. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.08, 39-669.11, 39-669.14, 39-669.15, 39-669.16, 39-669.17, and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide penalties for driving under the influence of any intoxicating drug; to provide penalties for refusal to submit to chemical testing; to provide powers and duties; to change a reporting requirement as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-120, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on the annexation of territory; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide a duty for the Tax Commissioner.

LEGISLATIVE BILL 802. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to rules of evidence; to amend section 27-504, Revised Statutes Supplement, 1988; to redefine a term as prescribed; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-330, Reissue Revised Statutes of Nebraska, 1943; to require the borrower's approval of an alteration in the collection schedule of payments related to a real estate loan as prescribed; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1361, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1358, 77-1362, 77-1365, and 77-1368, Revised Statutes Supplement, 1988; to change provisions relating to valuation of agricultural and horticultural land as prescribed; to provide duties; to repeal provisions creating an advisory board; to harmonize provisions; to repeal the original sections, and also sections 77-1366 and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and section 77-1364, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 805. Introduced by Schmit, 23rd District; Robak, 22nd District.

A BILL FOR AN ACT relating to child and spousal support; to amend sections 25-536, 42-358.02, 42-369, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.07, 43-512.08, 43-512.10, 43-1406, 43-1411, 43-1701, 43-1708, 43-1709, 43-1716 to 43-1720, 43-1722, 43-1723, 43-1724, 43-1725, 43-1726, 43-1727, 43-1730, 43-1734, 43-1737, 43-1740, 43-1743, 48-149, and 60-403, Reissue Revised Statutes of Nebraska, 1943; to extend personal jurisdiction as prescribed; to create a fund; to prioritize payments as prescribed; to provide duties for the clerk of the district court; 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 provide for the use of funds; to change provisions relating to proceedings for paternity and collection of child and other support; to change a provision relating to notices to withhold income; to provide a penalty; to change provisions relating to workers' compensation payments; to authorize the release of certain information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 806. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-2,108 and 43-2,129, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to establish the Serious Habitual Juvenile Offenders Program; to provide duties for the members of the juvenile justice system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 807. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-240.26, 77-1361, and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202, 77-1358, 77-1362, 77-1365, 77-1368, 77-2716, and 77-27,132, Revised Statutes Supplement, 1988; to provide revenue by requiring the sale of educational lands; to require reporting of such sales; to exempt certain property from taxation; to change provisions relating to valuation of agricultural and horticultural land as prescribed; to provide duties; to repeal provisions creating an advisory board; to create the Property Tax Relief Fund; to provide for the use and funding of the fund; to increase the sales tax rate; to change the distribution of certain tax revenue; to change provisions relating to taxation of interest and dividends as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 77-1366 and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and section 77-1364, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 808. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Revised Statutes Supplement, 1988; to authorize the sale of certain legal firearms; and to repeal the original section.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 189. Placed on General File.

(Signed) Dennis Baack, Chairperson

Health and Human Services

LEGISLATIVE BILL 51. Placed on General File as amended.
Standing Committee amendment to LB 51:
AM0016

1. On page 3, line 14, before "military" insert "governmental".

(Signed) Don Wesely, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 13CA. Introduced by Baack, 47th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, sections 2, 3, and 4.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, sections 2, 3, and 4, which is hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by a petition ~~wherein~~ which may be signed by any individual registered to vote in the state, and in which 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 registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters.~~

The number of signatures of registered voters that must be affixed to a petition in order for the measure it proposes to be submitted to the voters shall be calculated as a percentage of the total number of votes cast for Governor at the general election next preceding the filing of the petition. The percentages shall be as follows:

(1) When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, (a) seven percent if the petition proposes the enactment of a law and (b) ten percent if the petition proposes the adoption of a constitutional amendment; and

(2) When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, (a) fourteen percent if the petition proposes the enactment of a law and (b) twenty percent if the petition proposes the adoption of a constitutional amendment.

In all cases, the registered voters signing such petition shall be ~~so~~ distributed so as to ~~include~~ equal at least five percent of the ~~registered voters of~~ votes cast for Governor at the general election next preceding the filing of the petition in each of two-fifths

of the counties of the state. When ~~, and when~~ thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the ~~electors~~ registered voters of the state at the first general election held not less than four months after such petition ~~shall have been~~ is 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, more often than once ~~in~~ every three years. If conflicting measures submitted to the people at the same election ~~be~~ are 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 a petition~~,~~ which may be signed by any individual registered to vote in the state against any act or part of an act of the Legislature~~,~~ except those making appropriations for the ~~expense~~ expenses of the state government.

The method of calculating the number of signatures of registered voters required in order to invoke the referendum to be submitted to the voters shall be the same as is provided for an initiative petition. When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be five percent. When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be ten percent. ~~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 percent of the~~ 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~~ legislative session during which the act sought to be referred was passed ~~shall have~~ has been 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~~ it to the ~~electors~~ registered voters 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 an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by a petition signed by ~~not less than ten percent of the~~ registered voters ~~of the state~~ in the percentage further provided in this section, calculated and distributed as ~~aforesaid~~ required for initiative petitions, it shall suspend ~~the taking effect of~~ such act or part of an act from taking effect until ~~the same~~ it has been approved by the ~~electors~~ registered voters of the state. When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be ten percent. When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be twenty percent."

CIII-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~, of the measure and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution~~,~~ entitled~~,~~ "Amendments" and the latter shall in no case be construed to conflict ~~herewith~~ with this section. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted ~~in pursuance hereof~~ by initiative or referendum shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization.

Only the title or proper descriptive words of measures shall be printed on the ballot. When ~~and when~~ two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State, and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 percentage of signatures required for an initiative or referendum petition when payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses, and to harmonize provisions.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 14CA. Introduced by Wesely, 26th District.

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

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XII, section 8, 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 or producing eggs or other poultry 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~~ nonsyndicate and 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 and non-corporate~~ nonsyndicate and 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. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 ownership of agricultural land by excepting production of eggs or

other poultry products from ownership restrictions, 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.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 15CA. Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VIII, section 1, and by adding a new section 13 to Article VIII.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VIII, section 1, and by adding a new section 13 to Article VIII, 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 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, if ; ~~PROVIDED, that~~ such tax proceeds from motor vehicles taxed in each county ~~shall be~~ are 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 ~~said~~ the

county on personal tangible property, and (2) agricultural and horticultural land shall be taxed at fifty percent of its value relative to other 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."

CVIII-13 "No taxes shall be levied on real property which in the aggregate exceed two percent of the actual value of the real property in any year.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 taxation of agricultural and horticultural land at fifty percent of its value relative to other land and to provide a limit on aggregate real property taxes.

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 16CA. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Smith, 33rd District.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 4 to Article XIII.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 4 to Article XIII, which is hereby proposed by the Legislature:

CXIII-4 "Notwithstanding any other provision of the Constitution and subject to approval by a majority vote of the registered voters of any city or village voting upon the question, the governing body of any city or village, including cities operating under home rule charters, may by ordinance exempt from property taxes any portion of the appraised valuation of (1) all buildings together with the land upon which such buildings are located and all tangible personal property used exclusively by a business which commences operations after January 1, 1991, for the purpose of (a) manufacturing articles of commerce, (b) conducting research and development, or (c) storing goods or commodities which are sold or traded in interstate commerce or (2) all buildings or added improvements to buildings constructed after January 1, 1991, together with the land upon which such buildings or improvements are located, which construction is necessary to facilitate the expansion of an existing business if, as a result of such expansion, new employment is created, and which buildings or improvements are used exclusively for the purpose of (a) manufacturing articles of commerce, (b) conducting research and development, or (c) storing goods or commodities which are sold or traded in interstate commerce.

Any property tax exemption granted pursuant to this section shall be in effect for not more than ten calendar years after the calendar year in which the business commences its operations or the calendar year in which the expansion of any existing business is completed, as the case may be. The Legislature may limit or prohibit the application of this section by legislation uniformly applicable to all cities or villages of the same class.".

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

"A constitutional amendment to empower cities and villages to exempt property used by a business for the purpose of manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce from taxation subject to 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.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 17CA. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Smith, 33rd District.

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

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XIII, section 2, 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.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such sums of money as may be deemed necessary to create a fund for the purpose of purchasing real estate suitable for industrial development, acquiring options on real estate suitable for industrial development, and renewing or extending such options, subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question.

Notwithstanding any other provision in the Constitution, any incorporated city or village, including cities operating under home rule charters, may appropriate from revenue derived from state or federal sources such sums as may be deemed necessary for economic, community, or industrial development purposes subject to any applicable restrictions provided for in state or federal law. The powers provided for in this section shall be in addition and supplemental to any other powers conferred in the Constitution.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 local sources of revenue for purchases of or options on real estate suitable for

industrial development subject to voter approval and to empower cities and villages to use federal or state sources of revenue for economic, community, or industrial development purposes.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 18CA. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Smith, 33rd District.

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

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 13 to Article VIII, which is hereby proposed by the Legislature:

CVIII-13 "Every municipality which owns and operates its own natural gas distribution facilities shall have such facilities valued and assessed for taxation in the same manner as provided by law for such facilities which are privately owned, and every municipality shall pay to the taxing jurisdictions in which the facilities are located an amount in lieu of tax equal to the amount of tax which would be paid if such facilities are privately owned.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 valuation and assessment of municipally owned natural gas distribution facilities and to require municipalities which own natural gas distribution facilities to pay to the taxing jurisdiction in which the facilities are

located an amount in lieu of tax equal to the amount of tax which would be assessed if the facilities are privately owned.

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 19CA. Introduced by Hartnett, 45th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article IV, section 28, and by adding a new section 29 to Article IV.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article IV, section 28, by adding a new section 29 to Article IV which is hereby proposed by the Legislature:

CIV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate~~ Legislature. ~~He~~ The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state, and ~~together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state. He~~ shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the Tax Commissioner shall be as provided by law."

CIV-29 "The Property Tax Equalization Commission shall be appointed by the Governor with the advice and consent of the Legislature. The commission shall equalize assessments between counties and, as provided by law, shall hear appeals from local boards of equalization in individual cases and correct any assessment which is shown to be unlawful, unfair, arbitrary, or capricious. The commission shall perform all other duties prescribed by law. The Legislature shall otherwise provide for the membership of the commission.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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 equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer and to establish the Property Tax Equalization Commission.

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.

VISITOR

Visitor to the Chamber was Shirley Early Steinkoenig from Denver, Colorado.

ADJOURNMENT

At 12:57 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Friday, January 20, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 20, 1989

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 20, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Tom Schmid, First Presbyterian, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Ashford, Bernard-Stevens, Beyer, Chizek, Hannibal, R. Johnson, Moore, Schmit, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

MR. LAMB PRESIDING

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 84. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 624 and LB 55. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 521. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 263	Friday, January 27, 1989	1:30 p.m.
LB 306	Friday, January 27, 1989	1:30 p.m.
LB 262	Friday, January 27, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 189. Title read. Considered.

Messrs. Warner and Haberman offered the following amendment:
FA1

1. On page 2, line 2, after "serve" insert ", together with the chairperson of the Appropriations Committee,".

2. On page 3, add a new section as follows:

"Sec. 3. This bill shall become operative on January 1, 1991."

3. Renumber remaining section.

MR. HANNIBAL PRESIDING

Mr. Lynch offered the following amendment to the pending Warner-Haberman amendment:
FA2
in line 2, strike "chairperson" and insert "chairpersons" and after "Appropriations" insert "and Revenue"; strike "Committee" and insert "Committees."

SPEAKER BARRETT PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield 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 Lynch amendment lost with 7 ayes, 20 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Withem requested a division of the question on the pending Warner-Haberman amendment.

The Chair sustained the division of the question.

The first Warner-Haberman amendment is as follows:
FA3
2. On page 3, add a new section as follows:
"Sec. 3. This bill shall become operative on January 1, 1991."
3. Renumber remaining section.

The Warner-Haberman amendment, FA3, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Warner-Haberman amendment is as follows:
FA4
1. On page 2, line 2, after "serve" insert ", together with the chairperson of the Appropriations Committee,".

The Warner-Haberman amendment, FA4, was adopted with 25 ayes, 12 nays, 9 present and not voting, and 3 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 January 19, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Adams, Donald D. - Lincoln	America First
Augustus, Joseph R. - Greenwich, CT	
	UST, Inc.
Ayres, Joseph Warren - Lincoln	Nebraska Apartment Association
Bauman, K. N. - Columbus	GTE North
Binder, Tom - Tucson, AZ	United Technologies/Hamilton Test Systems, Inc.
Ellerbee, Don - Hastings	Nebraska Funeral Directors Association
	Nebraska Veterinary Medical Association
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Kirkpatrick, Pettis, Smith-Polian
Frisk, Deanna M. - Omaha	League of Women Voters of Nebraska
Kerr, Karren A. - Omaha	League of Women Voters of Nebraska
Kirchhoff, Richard W.-Washington, D.C.	
	Smokeless Tobacco Council
Lombardi, Richard/American Communications Group	
Lombardi, Richard A. - Lincoln	Nebraska Podiatric Medical Association
	Nebraska Society of Professional Psychologists
McHenry & Flowers	
Evans, John C. - Lincoln	DYCOM, INTERNATIONAL
Miesbach, Neal L. - Omaha	Vision 20/20 Association
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Nebraskan's for Equity in Higher Education
Pappas, James E. - Lincoln	Nebraska Beer Wholesalers' Association
Rasmussen, Dennis - Lincoln	Great Plains Communications
	Nebraska Land Improvement Contractors
	Nebraska LP-Gas Association

	Nebraska Petroleum Marketers
	Precision Lenscrafters
Robinson, C. N. - Omaha	Westside Community Schools
Ryan, James E./ James E. Ryan, P.C. - Lincoln	Western Express Way
Shultz, Jack L. - Lincoln	Nebraska Telephone Association
Smith, Martha Jane - Lincoln	Nebraska Criminal Defense Attorneys Asso.
Sweeney, Brian J. - Naperville, IL	Burlington Northern, Inc.
Thornalla, Kelly Jo - North Platte	NE Society of Radiologic Technologists
Tussing, Connie, J. - Lincoln	Nebraska Dental Hygienists Association

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 313	Monday, January 30, 1989	1:30 p.m.
LB 315	Monday, January 30, 1989	1:30 p.m.
LB 316	Monday, January 30, 1989	1:30 p.m.
LB 412	Monday, January 30, 1989	1:30 p.m.

(Signed) George Coordsen, Chairperson

Natural Resources

LB 127	Friday, January 27, 1989	1:30 p.m.
LB 167	Friday, January 27, 1989	1:30 p.m.
LB 184	Friday, January 27, 1989	1:30 p.m.
LB 185	Friday, January 27, 1989	1:30 p.m.
LB 195	Friday, January 27, 1989	1:30 p.m.

(Signed) Loran Schmit, 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.

Lawrence R. Myers - Nebraska Power Review Board

Voting aye: Senators Schmit, Lamb, Elmer, Rod Johnson, Morrissey, and Weihing

Absent: Senators Beck and Smith

LEGISLATIVE BILL 45. Placed on General File.
LEGISLATIVE BILL 168. Placed on General File.
LEGISLATIVE BILL 169. Placed on General File.

LEGISLATIVE BILL 170. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 190. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File as amended.
E & R amendment to LB 35:
AM0102

1. On page 2, line 4, strike the first comma and insert "or"; and in line 5 strike the comma.

LEGISLATIVE BILL 36. Placed on Select File.

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendment to LB 38:
AM0104

1. On page 3, line 15, after "a" insert "flock which is" and strike "flock,", show as stricken, and insert an underscored comma; in line 16 strike "pullorum and typhoid clean" and show as stricken; and in line 17 after "eggs" insert "which are pullorum and typhoid clean".

LEGISLATIVE BILL 158. Placed on Select File.
LEGISLATIVE BILL 79. Placed on Select File.

LEGISLATIVE BILL 53. Placed on Select File as amended.
E & R amendment to LB 53:
AM0103

1. On page 3, line 10, strike "class" and insert "classes"; and in line 20 after "or" insert an

underscored comma.

LEGISLATIVE BILL 57. Placed on Select File.
LEGISLATIVE BILL 123. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 189. Mr. Haberman offered the following amendment:
AM0020

1. On page 2, line 6, after the period insert "The Nebraska Retirement Systems Committee shall be a standing committee of the Legislature.".

The Haberman amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Abboud offered the following amendment:
AM0022

1. Insert the following new sections:
"Sec. 2. The Legislature shall select five of its members who shall serve as the Rules Committee. The chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature.
Sec. 3. The Legislature shall select six of its members who shall serve as the Committee on Building Maintenance. The chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature.".
2. On page 3, line 6, strike "section" and insert "sections"; and in line 7 after "50-416" insert "81-185".
3. Renumber the remaining sections accordingly.

Mr. Abboud withdrew his pending amendment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 51. Title read. Considered.

Standing Committee amendment, AM0016, found in the Journal on page 350 for the Tenth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Messrs. Rogers and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 229. Placed on General File.
LEGISLATIVE BILL 230. Placed on General File.
LEGISLATIVE BILL 232. Placed on General File.

LEGISLATIVE BILL 233. Placed on General File as amended.
Standing Committee amendment to LB 233:
AM0019

1. On page 5, strike beginning with the comma in line 9 through "29-2709" in line 11.

(Signed) Jerry Chizek, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to liquor; to eliminate obsolete provisions relating to the effective date for certain salary increases; to eliminate a provision requiring a report to be filed within ten days after July 6, 1972, and allowing a tax credit; and to repeal sections

53-112.03, 53-112.04, and 53-160.09, 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	Conway	Hartnett	Lindsay	Schellpeper
Baack	Coordsen	Hefner	Lynch	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Scofield
Beck	Dierks	Johnson, R.	Nelson	Warner
Bernard-Stevens	Elmer	Korshoj	Peterson	Wehrbein
	Haberman	Labedz	Pirsch	Weihing
Beyer	Hall	Lamb	Robak	Wesely
Chizek	Hannibal			

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Goodrich	Moore	Schmit	Smith
Chambers	Langford			

Excused and not voting, 6:

Byars	Landis	Morrissey	Rogers	Withem
Kristensen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to probation; to amend section 29-2259, Revised Statutes Supplement, 1988; to delete an obsolete reference and eliminate obsolete statutes relating to the Nebraska Probation System Committee; and to repeal the original section, and also sections 29-2271 to 29-2274, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2270, 29-2275, and 29-2276, Revised Statutes Supplement, 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, 37:

Abboud	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, L.	Nelson	Smith
Beck	Dierks	Johnson, R.	Peterson	Warner
Bernard-Stevens	Elmer	Korshoj	Pirsch	Wehrbein
	Haberman	Labedz	Robak	Weihing
Beyer	Hall	Lamb	Schellpeper	Wesely
Chizek	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Goodrich	Langford	Moore	Schmit
Chambers				

Excused and not voting, 6:

Byars	Landis	Morrissey	Rogers	Withem
Kristensen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-603, Reissue Revised Statutes of Nebraska, 1943; to eliminate duplicative investment language as prescribed; to eliminate an obsolete section relating to actions involving invalid installment sales agreements; to eliminate an obsolete section governing penalties which applied to transactions made prior to November 15, 1963; and to repeal the original section, and also sections 45-155.01 and 45-408, 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	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, R.	Nelson	Smith
Beck	Dierks	Korshoj	Peterson	Warner
Bernard-Stevens	Elmer	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Lindsay	Schellpeper	Wesely
Chizek	Hannibal			

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Goodrich	Langford	Moore	Schmit
Chambers	Johnson, L.			

Excused and not voting, 6:

Byars	Landis	Morrissey	Rogers	Withem
Kristensen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to fees and salaries; to amend sections 16-252, 17-566, 33-106.02, 33-107, 33-108, and 47-120, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to eliminate obsolete language; to change incorrect references; to harmonize provisions; to transfer 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, 38:

Abboud	Barrett	Bernard-	Beyer	Chizek
Baack	Beck	Stevens	Chambers	Conway

Coordsen	Hannibal	Labedz	Peterson	Smith
Crosby	Hartnett	Lamb	Pirsch	Warner
Dierks	Hefner	Lindsay	Robak	Wehrbein
Elmer	Johnson, L.	Lynch	Schellpeper	Weihing
Haberman	Johnson, R.	McFarland	Schimek	Wesely
Hall	Korshoj	Nelson	Scofield	

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Goodrich	Langford	Moore	Schmit

Excused and not voting, 6:

Byars	Landis	Morrissey	Rogers	Withem
Kristensen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to counties; to amend sections 23-320.05, 23-343.28, 23-362.01, 23-362.04, 23-2502, and 33-129, Reissue Revised Statutes of Nebraska, 1943; to correct internal references as prescribed; to eliminate a notice requirement for certain elections; to redefine a term; to transfer a section relating to county assessors; to transfer a section relating to the Commission on Indian Affairs; to eliminate a provision relating to federal tax liens that is no longer needed; to eliminate a provision relating to classification of employees in the civil service system; to harmonize provisions; and to repeal the original sections, and also sections 23-1526 and 23-2530, 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	Beck	Beyer	Conway	Dierks
Baack	Bernard-	Chambers	Coordsen	Elmer
Barrett	Stevens	Chizek	Crosby	Hall

Hannibal	Labedz	McFarland	Robak	Smith
Hartnett	Lamb	Moore	Rogers	Warner
Hefner	Langford	Nelson	Schellpeper	Wehrbein
Johnson, L.	Lindsay	Peterson	Schimek	Weihing
Johnson, R.	Lynch	Pirsch	Scofield	Wesely
Korshoj				

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Goodrich	Haberman	Schmit

Excused and not voting, 5:

Byars	Kristensen	Landis	Morrissey	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to insurance; to amend sections 44-107.03, 44-213.06, 44-336.04, 44-386.05, 44-710, 44-1491, 44-1493, 44-1498, 44-1802, 44-1803, 44-1804, and 44-1805, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to provide references to the Administrative Procedure Act for certain hearings and a notice provision; to change references to a nonexistent act; to eliminate a section which defines the term this act for certain sections; to eliminate a provision relating to certificates of authority for health maintenance organizations; to harmonize provisions; and to repeal the original sections, and also sections 44-1920 and 44-3212, 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	Bernard-	Chizek	Dierks	Hall
Baack	Stevens	Conway	Elmer	Hannibal
Barrett	Beyer	Coordsen	Goodrich	Hartnett
Beck	Chambers	Crosby	Haberman	Hefner

Johnson, L.	Langford	Nelson	Schellpeper	Warner
Johnson, R.	Lindsay	Peterson	Schimek	Wehrbein
Korshoj	Lynch	Pirsch	Scofield	Weihing
Labedz	McFarland	Robak	Smith	Wesely
Lamb	Moore	Rogers		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Schmit

Excused and not voting, 5:

Byars Kristensen Landis Morrissey Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to labor; to repeal provisions governing the substitution of certain phrases; and to repeal sections 48-1,111 and 48-1,112, 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	Hartnett	Lynch	Schellpeper
Baack	Coordsen	Hefner	McFarland	Schimek
Barrett	Crosby	Johnson, L.	Moore	Scofield
Beck	Dierks	Johnson, R.	Nelson	Smith
Bernard-Stevens	Elmer	Korshoj	Peterson	Warner
	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Robak	Weihing
Chambers	Hall	Langford	Rogers	Wesely
Chizek	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Schmit

Excused and not voting, 5:

Byars Kristensen Landis Morrissey Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 3-122, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute requiring a notice to the Department of Aeronautics; and to repeal the original section.

Whereupon the 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	Hartnett	Lynch	Schellpeper
Baack	Coordsen	Hefner	McFarland	Schimek
Barrett	Crosby	Johnson, L.	Moore	Scofield
Beck	Dierks	Johnson, R.	Nelson	Smith
Bernard-Stevens	Elmer	Korshoj	Peterson	Warner
	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Robak	Weihing
Chambers	Hall	Langford	Rogers	Wesely
Chizek	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Schmit

Excused and not voting, 5:

Byars Kristensen Landis Morrissey Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-2501, 2-2502, and 2-2504, Reissue Revised Statutes of Nebraska, 1943, and section 72-1237.01, Revised Statutes Supplement, 1988; to transfer and combine statutes relating to the Nebraska Agricultural Products Research Fund; to harmonize provisions; and to repeal the original sections, and also sections 2-2505 and 2-2506, 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	Hartnett	Lynch	Schellpeper
Baack	Coordsen	Hefner	McFarland	Schimek
Barrett	Crosby	Johnson, L.	Moore	Scofield
Beck	Dierks	Johnson, R.	Nelson	Smith
Bernard-Stevens	Elmer	Korshoj	Peterson	Warner
	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Robak	Weihing
Chambers	Hall	Langford	Rogers	Wesely
Chizek	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Schmit

Excused and not voting, 5:

Byars	Kristensen	Landis	Morrissey	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to courts; to amend sections 77-2401 to 77-2404, Reissue Revised Statutes of Nebraska, 1943; to transfer statutes relating to unclaimed witness fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chizek	Hannibal	Lynch	Schellpeper
Ashford	Conway	Hartnett	McFarland	Schimek
Baack	Coordsen	Hefner	Moore	Scofield
Barrett	Crosby	Johnson, L.	Nelson	Smith
Beck	Dierks	Johnson, R.	Peterson	Warner
Bernard-Stevens	Elmer	Korshoj	Pirsch	Wehrbein
	Goodrich	Lamb	Robak	Weihing
Beyer	Haberman	Langford	Rogers	Wesely
Chambers	Hall	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Labedz Schmit

Excused and not voting, 5:

Byars	Kristensen	Landis	Morrissey	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to names; to amend section 40-118, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute authorizing registration of the name of a farm, ranch, or home; and to repeal the original section.

Whereupon the 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	Lynch	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
	Goodrich	Lamb	Pirsch	Weihing
Beyer	Hall	Langford	Robak	Wesely
Chambers	Hannibal	Lindsay	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Labedz	Schmit

Excused and not voting, 3:

Byars	Landis	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to bankruptcy; to amend section 77-2419, Reissue Revised Statutes of Nebraska, 1943; to transfer a statute authorizing political subdivisions and agencies of state government to file a petition; and to repeal the original section.

Whereupon the 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	Bernard-Stevens	Conway	Goodrich	Hefner
Ashford		Coordsen	Haberman	Johnson, L.
Baack	Beyer	Crosby	Hall	Johnson, R.
Barrett	Chambers	Dierks	Hannibal	Korshoj
Beck	Chizek	Elmer	Hartnett	Kristensen

Labedz	McFarland	Peterson	Schellpeper	Warner
Lamb	Moore	Pirsch	Schimek	Wehrbein
Langford	Morrissey	Robak	Scofield	Weihing
Lindsay	Nelson	Rogers	Smith	Wesely
Lynch				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Byars	Landis	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to schools; to amend sections 79-328, 79-1241, 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.02, Revised Statutes Supplement, 1988; to transfer statutes relating to course offerings, approval and accreditation standards, and health education; 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	Conway	Hartnett	Lindsay	Rogers
Ashford	Coordsen	Hefner	Lynch	Schellpeper
Baack	Crosby	Johnson, L.	McFarland	Schimek
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Nelson	Warner
	Haberman	Labedz	Peterson	Wehrbein
Beyer	Hall	Lamb	Pirsch	Weihing
Chambers	Hannibal	Langford	Robak	Wesely
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Byars Landis Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to the Secretary of State; to eliminate a statute on publication of session laws; and to repeal section 81-142, 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	Hartnett	Lindsay	Rogers
Ashford	Coordsen	Hefner	Lynch	Schellpeper
Baack	Crosby	Johnson, L.	McFarland	Schimek
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Nelson	Warner
Beyer	Haberman	Labedz	Peterson	Wehrbein
Chambers	Hall	Lamb	Pirsch	Weihing
Chizek	Hannibal	Langford	Robak	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Byars Landis Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 17.

A BILL FOR AN ACT relating to food donations; to amend section 25-21,189, Revised Statutes Supplement, 1988; to eliminate a reference to a repealed definitional section; to define terms; and to repeal the original section.

Whereupon the 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	Hefner	Lynch	Schellpeper
Ashford	Crosby	Johnson, L.	McFarland	Schimek
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morrissey	Smith
Beck	Goodrich	Kristensen	Nelson	Warner
Bernard-Stevens	Haberman	Labedz	Peterson	Wehrbein
	Hall	Lamb	Pirsch	Weihing
Chizek	Hannibal	Langford	Robak	Wesely
Conway	Hartnett	Lindsay	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Beyer Chambers Schmit

Excused and not voting, 3:

Byars Landis Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 468 Friday, March 3, 1989 1:30 p.m.

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 158A. Introduced by Labedz, 5th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Crosby asked unanimous consent to have her name withdrawn as co-introducer to LB 690. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 781. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 760. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, and 17.

VISITORS

Visitors to the Chamber were five cub scouts from Lincoln; and Elmer Owen.

ADJOURNMENT

At 11:43 a.m., on a motion by Mr. Korshoj, the Legislature adjourned until 9:00 a.m., Monday, January 23, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 23, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Captain Joseph Wheeler, Salvation Army.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Hefner, Lynch, and Schellpeper who were excused; and Messrs. Abboud, Ashford, Baack, Chambers, Conway, Haberman, Hartnett, R. Johnson, Landis, McFarland, Wesely, Mmes. Beck, Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 251. Placed on General File as amended.
Standing Committee amendments to LB 251:
AM0015

1. On page 6, line 25, strike "No entity" and insert "Entities".

2. On page 7, strike lines 1 through 4 and insert "shall notify the Director of the Game and Parks

Commission prior to undertaking any activities or using the registered natural area in any way that would negatively impact the natural area.".

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 397	Thursday, February 2, 1989	1:30 p.m.
LB 85	Friday, February 3, 1989	1:30 p.m.
LB 86	Friday, February 3, 1989	1:30 p.m.
LB 87	Friday, February 3, 1989	1:30 p.m.
LB 110	Friday, February 3, 1989	1:30 p.m.
LB 218	Wednesday, February 8, 1989	1:30 p.m.
LB 330	Wednesday, February 8, 1989	1:30 p.m.
LB 583	Thursday, February 9, 1989	1:30 p.m.
LB 584	Thursday, February 9, 1989	1:30 p.m.
LB 585	Thursday, February 9, 1989	1:30 p.m.
LB 586	Thursday, February 9, 1989	1:30 p.m.
LR 8CA	Thursday, February 9, 1989	1:30 p.m.
LR 9CA	Thursday, February 9, 1989	1:30 p.m.
LR 10CA	Thursday, February 9, 1989	1:30 p.m.
LB 109	Friday, February 10, 1989	1:30 p.m.
LB 220	Friday, February 10, 1989	1:30 p.m.
LB 399	Friday, February 10, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 20, 1989, at 12:15 p.m., were the following bills: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, and 17.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 714. No objections. So ordered.

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 370: Mr. Lawrence R. Myers - Nebraska Power Review Board.

Voting in the affirmative, 26:

Bernard-Stevens	Elmer	Lamb	Peterson	Smith
Chizek	Goodrich	Langford	Robak	Warner
Coordsen	Hannibal	Lindsay	Rogers	Wehrbein
Crosby	Johnson, L.	Moore	Schmit	Weihing
Dierks	Korshoj	Morrissey	Scofield	Withem
	Kristensen			

Voting in the negative, 0.

Present and not voting, 5:

Barrett	Beyer	Hall	Pirsch	Schimek

Excused and not voting, 18:

Abboud	Byars	Hartnett	Landis	Nelson
Ashford	Chambers	Hefner	Lynch	Schellpeper
Baack	Conway	Johnson, R.	McFarland	Wesely
Beck	Haberman	Labedz		

The appointment was confirmed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

MOTION - Suspend Rules

Messrs. Withem, Hartnett, Chizek, Bernard-Stevens, Lamb, Korshoj, and Mrs. Nelson renewed their pending motion found in the Journal on page 293 to suspend Rule 7 §3a, Rule 6 §2, Rule 3 §3e, Rule 3 §13, and Rule 3 §19 and place LB 275 on General File.

Mr. Moore offered the following amendment to the pending Withem et al. motion:

FA5
to amend the motion to add LB 774 to the motion.

Mr. Withem raised a point of order on whether a motion to suspend the rules can be amended.

The Chair ruled the Moore amendment is out of order.

Mr. Moore moved to suspend rule 2 section 2 to allow the amendment of the Withem et al. motion.

Mr. Withem raised a point of order on whether the Moore motion to suspend the rules, Rule 2, Sec. 2, was in order.

The Chair ruled the Moore motion is in order inasmuch as the motion was to suspend as opposed to a motion to amend.

Mr. Withem challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

The Chair was overruled.

Messrs. Landis and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the pending Withem et al. motion.

The Chair sustained the division of the question.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Withem et al. motion is to suspend Rule 7 §3a.

Mr. Abboud 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. Withem requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 20:

Ashford	Coordsen	Hartnett	Lamb	Rogers
Bernard-Stevens	Dierks	Johnson, R.	Lindsay	Schimek
Beyer	Goodrich	Korshoj	Nelson	Smith
Chizek	Hall	Kristensen	Robak	Withem

Voting in the negative, 21:

Abboud	Crosby	Johnson, L.	Morrissey	Warner
Baack	Elmer	Langford	Peterson	Wehrbein
Beck	Haberman	McFarland	Pirsch	Weihing
Chambers	Hannibal	Moore	Scofield	Wesely
Conway				

Present and not voting, 2:

Barrett	Labedz

Excused and not voting, 6:

Byars	Landis	Lynch	Schellpeper	Schmit
Hefner				

The first Withem et al. motion lost with 20 ayes, 21 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Withem withdrew his remaining motion.

Mr. Chambers objected.

The Chair ruled the introducer of a motion may withdraw it at any time, unless it has been amended.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair was overruled.

The second Withem et al. motion is to suspend Rule 6 §2.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Withem et al. motion lost with 0 ayes, 28 nays, 13 present and not voting, and 8 excused and not voting.

The third Withem et al. motion is to suspend Rule 3 §3e.

Mr. Chambers requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 0.

Voting in the negative, 15:

Ashford	Crosby	Hartnett	Langford	Weihing
Chizek	Dierks	Johnson, L.	Lindsay	Wesely
Coordsen	Goodrich	Lamb	Robak	Withem

Present and not voting, 26:

Baack	Chambers	Johnson, R.	Moore	Rogers
Barrett	Conway	Korshoj	Morrissey	Schimek
Beck	Elmer	Kristensen	Nelson	Scofield
Bernard-Stevens	Haberman	Labedz	Peterson	Smith
	Hall	McFarland	Pirsch	Wehrbein
Beyer	Hannibal			

Excused and not voting, 8:

Abboud	Hefner	Lynch	Schmit	Warner
Byars	Landis	Schellpeper		

The third Withem et al. motion lost with 0 ayes, 15 nays, 26 present and not voting, and 8 excused and not voting.

The fourth Withem et al. motion is to suspend Rule 3 §13.

The fourth Withem et al. motion lost with 0 ayes, 28 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The fifth Withem et al. motion is to suspend Rule 3 §19.

The fifth Withem et al. motion lost with 0 ayes, 30 nays, 11 present and not voting, and 8 excused and not voting.

MOTION - Election Contest

Mr. Warner moved that the committee which was appointed by the Legislature on January 9, 1989, to consider the election contest of the 17th Legislative District, which committee was to originally produce a report to the Legislature within 15 calendar days, be allowed until Monday, January 30, to produce such a report, the additional time being necessary for the committee to fully and thoroughly consider the briefs which were submitted to it by the contestants on January 19, 1989, and January 24, 1989.

Laid over.

MESSAGES FROM THE GOVERNOR

January 13, 1989

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 Power Review Board, requiring legislative confirmation.

Appointee:
N. P. Dodge Jr., 8701 West Dodge Rd., Omaha, NE 68114, (402) 397-4900.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 17, 1989

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:
Connie J. Witt, 5317 Meredeth, Lincoln, NE 68506, (402) 489-0261.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 17, 1989

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:
Barbara Coats Grabowski, 12629 Weir Street, Omaha, NE 68137.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 17, 1989

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 reappointment to the Public Employees Retirement Board, requiring legislative confirmation.

Appointee:
Alcurtis Robinson, 1411 N. 128 Circle, Omaha, NE 68154, (402) 978-2288.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 78	Monday, January 30, 1989	1:30 p.m.
LB 281	Monday, January 30, 1989	1:30 p.m.
LB 282	Monday, January 30, 1989	1:30 p.m.
LB 417	Monday, January 30, 1989	1:30 p.m.
LB 146	Tuesday, January 31, 1989	1:30 p.m.
LB 155	Tuesday, January 31, 1989	1:30 p.m.
LB 416	Tuesday, January 31, 1989	1:30 p.m.
LB 474	Tuesday, January 31, 1989	1:30 p.m.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LB 222	Monday, January 30, 1989	1:30 p.m.
LB 334	Monday, January 30, 1989	1:30 p.m.
LB 349	Monday, January 30, 1989	1:30 p.m.
LB 350	Monday, January 30, 1989	1:30 p.m.
LB 391	Monday, January 30, 1989	1:30 p.m.
LB 61	Tuesday, January 31, 1989	1:30 p.m.
LB 214	Tuesday, January 31, 1989	1:30 p.m.
LB 320	Tuesday, January 31, 1989	1:30 p.m.
LB 77	Tuesday, January 31, 1989	1:30 p.m.
LB 326	Tuesday, January 31, 1989	1:30 p.m.

(Signed) David Landis, Chairperson

General Affairs

LB 153	Monday, January 30, 1989	1:30 p.m.
LB 154	Monday, January 30, 1989	1:30 p.m.
LB 440	Monday, January 30, 1989	1:30 p.m.
LB 441	Monday, January 30, 1989	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 60. Placed on Select File.
LEGISLATIVE BILL 126. Placed on Select File.
LEGISLATIVE BILL 207. Placed on Select File.

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendments to LB 189:
AM5011

1. In the Warner-Haberman amendment, FA3, strike "bill" and insert "act".

2. In the Haberman amendment, AM0020, on page 1, line 1, strike "6" and insert "3"; and in line 3 before the last period insert "; and in line 5 after 'the' insert 'other'".

3. On page 1, line 5, after the semicolon insert "to make the committee a standing committee;"; and in line 6 after the second semicolon insert "to

10 provide an operative date;".

LEGISLATIVE BILL 51. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 45. 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 168. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 169. 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 229. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 230. 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 232. Title read. Considered.

Mr. Chizek moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 233. Title read. Considered.

Standing Committee amendment, AM0019, found in the Journal on page 373 for the Eleventh Day, 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 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 35. E & R amendment, AM0102, found in the Journal on page 371 for the Eleventh Day, was adopted.

Mr. R. Johnson offered the following amendment:
FA6
to amend LB 35 on page 2, line 5 by inserting after "who" the words knowingly and intentionally.

The R. Johnson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 36. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38. E & R amendment, AM0104, found in the Journal on page 371 for the Eleventh Day, was adopted.

Advanced to E & R for Engrossment.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 158. Mrs. Labedz offered the following amendment:
FA7
1. On page 2, line 13, strike "used", show as stricken, and insert an underscored semicolon; and strike line 14 and show the old matter

as stricken, and insert the following "and shall comply with the requirements in section 60-311(1)(a)."

The Labedz amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 53. E & R amendment, AM0103, found in the Journal on page 371 for the Eleventh Day, was adopted.

Mr. Weihing offered the following amendment:
AM0025

1. On page 4, line 4, strike "The", show as stricken, and insert "Except as provided in subsection (4) of this section, the"; and in line 5 after "shall" insert "be appointed by and".

The Weihing amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 123. Mr. Peterson offered the following amendment:
AM0038

1. On page 1, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".
2. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Peterson amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

AM0030

1. On page 2, line 3, after "older" insert ", is retired, derives the majority of his or her income from retirement benefits, does not hold full-time employment," and strike "who"; in line 7 after "is" insert "in"; and in line 9 after the period insert "In granting such approval, the instructor shall consider the reasons for and motivation of such person to attend the course or class and his or her intellectual potential and aptitude, knowledge, and occupational experience.".

Mr. Landis asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

AM0018

(Amendments to Standing Committee amendments, AM0009)

1. On page 1, line 11, strike "and"; and in line 12 before the period insert "; and in line 16 strike 'ten' show as stricken, and insert 'fifteen'".

NOTICE OF COMMITTEE HEARING
Education

LB 336	Monday, January 30, 1989	1:30 p.m.
LB 499	Monday, January 30, 1989	1:30 p.m.
LB 398	Monday, January 30, 1989	1:30 p.m.
LB 250	Monday, January 30, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

MOTION - Rerefer LB 341

Mrs. Pirsch moved to rerefer LB 341 to the Government Committee from the Judiciary Committee.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 672. No objections. So ordered.

Mr. Moore asked unanimous consent to have his name added as co-introducer to LB 63. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 193. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 395. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator McFarland's parents, Mr. and Mrs. Dale McFarland; Mr. Nisar Hussain from Islamabad, Pakistan; Bev Muller from Kearney; and Gary and Sharon Cederburg from Minden.

ADJOURNMENT

At 11:52 a.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 24, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Col. Meredith Thomas, Offutt Air Base.

ROLL CALL

The roll was called and all members were present except Messrs. Byars and Lynch who were excused; and Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, R. Johnson, McFarland, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 69. Indefinitely postponed.

LEGISLATIVE BILL 134. Placed on General File.

(Signed) Ron Withem, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 543, the referral of legislative bills 600 through 808, LRs 13CA through 19CA, and Governor appointments.

LB	Committee
543	Education
600	Appropriations
601	Government, Military & Veterans Affairs
602	Appropriations
603	Judiciary
604	Government, Military & Veterans Affairs
605	Business & Labor
606	Banking, Commerce & Insurance
607	Revenue
608	Transportation
609	Government, Military & Veterans Affairs
610	Health & Human Services
611	Revenue
612	Education
613	Banking, Commerce & Insurance
614	Health & Human Services
615	Agriculture
616	Natural Resources
617	Natural Resources
618	Education
619	Natural Resources
620	Natural Resources
621	Natural Resources
622	Natural Resources
623	Natural Resources
624	Banking, Commerce & Insurance
625	Natural Resources
626	Judiciary
627	Judiciary
628	Government, Military & Veterans Affairs
629	Revenue
630	Business & Labor
631	Government, Military & Veterans Affairs
632	Nebraska Retirement Systems
633	Urban Affairs
634	Revenue
635	Government, Military & Veterans Affairs
636	Business & Labor

637	Government, Military & Veterans Affairs
638	Government, Military & Veterans Affairs
639	Government, Military & Veterans Affairs
640	Government, Military & Veterans Affairs
641	General Affairs
642	Judiciary
643	Revenue
644	Government, Military & Veterans Affairs
645	Appropriations
646	Health & Human Services
647	Banking, Commerce & Insurance
648	Health & Human Services
649	Transportation
650	Judiciary
651	Education
652	Business & Labor
653	Revenue
654	Revenue
655	Revenue
656	Banking, Commerce & Insurance
657	Revenue
658	Judiciary
659	Health & Human Services
660	General Affairs
661	Revenue
662	Health & Human Services
663	Government, Military & Veterans Affairs
664	Health & Human Services
665	Health & Human Services
666	Health & Human Services
667	Judiciary
668	Judiciary
669	Judiciary
670	Urban Affairs
671	Urban Affairs
672	Appropriations
673	Judiciary
674	Judiciary
675	Appropriations
676	Judiciary
677	Appropriations
678	Health & Human Services
679	Business & Labor
680	Education

681	Banking, Commerce & Insurance
682	Natural Resources
683	Appropriations
684	Judiciary
685	Judiciary
686	General Affairs
687	Revenue
688	Health & Human Services
689	Health & Human Services
690	Transportation
691	Government, Military & Veterans Affairs
692	Banking Commerce & Insurance
693	Government, Military & Veterans Affairs
694	Education
695	Transportation
696	Natural Resources
697	Natural Resources
698	Business & Labor
699	Judiciary
700	Revenue
701	Government, Military & Veterans Affairs
702	Government, Military & Veterans Affairs
703	General Affairs
704	General Affairs
705	Revenue
706	Banking, Commerce & Insurance
707	Revenue
708	Judiciary
709	Government, Military & Veterans Affairs
710	Natural Resources
711	Banking, Commerce & Insurance
712	Judiciary
713	Transportation
714	Revenue
715	Natural Resources
716	Appropriations
717	Revenue
718	Agriculture
719	Judiciary
720	Health & Human Services
721	Judiciary
722	Government, Military & Veterans Affairs
723	Health & Human Services
724	Health & Human Services

725 Transportation
726 Health & Human Services
727 Appropriations
728 Revenue
729 Revenue
730 Natural Resources
731 Revenue
732 Health & Human Services
733 Health & Human Services
734 Education
735 Appropriations
736 General Affairs
737 Revenue
738 Education
739 Revenue
740 Education
741 Education
742 Transportation
743 Appropriations
744 Education
745 Health & Human Services
746 Banking, Commerce & Insurance
747 Revenue
748 Banking, Commerce & Insurance
749 Banking, Commerce & Insurance
750 Revenue
751 General Affairs
752 Government, Military & Veterans Affairs
753 Health & Human Services
754 Health & Human Services
755 Natural Resources
756 Urban Affairs
757 Health & Human Services
758 Banking, Commerce & Insurance
759 Banking, Commerce & Insurance
760 Education
761 Natural Resources
762 Revenue
763 Natural Resources
764 Natural Resources
765 General Affairs
766 General Affairs
767 General Affairs
768 General Affairs

769	Judiciary
770	Appropriations
771	Banking, Commerce & Insurance
772	Urban Affairs
773	Urban Affairs
774	Revenue
775	Revenue
776	Banking, Commerce & Insurance
777	General Affairs
778	General Affairs
779	Revenue
780	General Affairs
781	General Affairs
782	Banking, Commerce & Insurance
783	Revenue
784	Revenue
785	Revenue
786	Revenue
787	Revenue
788	Natural Resources
789	Nebraska Retirement Systems
790	Urban Affairs
791	Urban Affairs
792	Urban Affairs
793	Revenue
794	Revenue
795	Natural Resources
796	Appropriations
797	Appropriations
798	Health & Human Services
799	Transportation
800	Urban Affairs
801	Revenue
802	Judiciary
803	Banking, Commerce & Insurance
804	Revenue
805	Judiciary
806	Judiciary
807	Revenue
808	Judiciary

LR	**Committee**
13CA	Government, Military & Veterans Affairs
14CA	Agriculture

15CA Revenue
16CA Revenue
17CA Urban Affairs
18CA Revenue
19CA Revenue

Natural Resources
N. P. Dodge, Jr. - Power Review Board

Nebraska Retirement Systems
Connie J. Witt - Public Employees Retirement Board
Alcurtis Robinson - Public Employees Retirement Board
Barbara Coats Grabowski - Public Employees Retirement Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ACKNOWLEDGEMENT

A communication from Governor Kay A. Orr in regard to the predisbursement plan for the use of $19.9 million in oil overcharge funds from the Nebraska Energy Settlement Fund pursuant to Section 81-1637, R.S. Supp., 1988 has been received and is on file in the Clerk's office.

COMMUNICATIONS

January 23, 1989

Senator Bernice Labedz
Chairperson - Executive Board
Room 2010 - State Capitol
Lincoln, NE 68509

Dear Senator Labedz:

I received in the mail on Friday, January 20, a report from Governor Orr regarding the Predisbursement Plan for oil overcharge funds to be expended from the Nebraska Energy Settlement Fund.

It is my understanding from reviewing the authorizing legislation that the Legislature has 30 days to review and comment, by public

hearing if warranted, on the plan. Consequently, I forward this on to you as Chair of the Reference Committee for referral to the appropriate standing committee.

Please feel free to contact me if you have any questions.

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

PJO:r
Enclosure

January 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Reference the Governor's letter of January 19, 1989, regarding the predisbursement plan for the use of oil overcharge funds from the Nebraska Energy Settlement Fund.

The Reference Committee, this date, has referred the communication to the Appropriations Committee for appropriate action.

Sincerely,
(Signed) Bernice Labedz
Chairperson
Executive Board

BL:jw
Enclosure

MOTION - Election Contest

Mr. Warner renewed his pending motion found in the Journal on page 395 that the committee which was appointed by the Legislature on January 9, 1989, to consider the election contest of the 17th Legislative District, which committee was to originally produce a report to the Legislature within 15 calendar days, be allowed until Monday, January 30, to produce such a report, the additional time being necessary for the committee to fully and thoroughly consider

the briefs which were submitted to it by the contestants on January 19, 1989, and January 24, 1989.

The Warner motion prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Rerefer LB 341

Mrs. Pirsch renewed her pending motion, found in the Journal on page 401, to rerefer LB 341 to the Government Committee from the Judiciary Committee.

The Pirsch motion prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 45. Placed on Select File as amended.
E & R amendment to LB 45:
AM5012
1. On page 8, line 12, after "adopted" insert "and promulgated".

LEGISLATIVE BILL 168. Placed on Select File as amended.
E & R amendment to LB 168:
AM5013
1. On page 2, line 14, strike "and" and insert "or".

LEGISLATIVE BILL 169. Placed on Select File.
LEGISLATIVE BILL 229. Placed on Select File.
LEGISLATIVE BILL 230. Placed on Select File.
LEGISLATIVE BILL 232. Placed on Select File.
LEGISLATIVE BILL 233. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 97. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Standing Committee amendments, AM0009, found in the Journal on page 320 for the Tenth Day, were considered.

Mr. Landis renewed his pending amendment, AM0018, found in the Journal on page 402, to the Standing Committee amendments.

The Landis amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 251. Title read. Considered.

Standing Committee amendments, AM0015, found in the Journal on page 389 for the Twelfth Day, were considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 255. Placed on General File.

LEGISLATIVE BILL 257. Placed on General File as amended.

Standing Committee amendments to LB 257:
AM0049

1. On page 7, strike beginning with "payment" in line 12 through the last comma in line 13 and insert "bid bond".

2. On page 10, line 3, strike the new matter and reinstate the stricken matter.

3. On page 12, line 16, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 223. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 295. Placed on General File.

LEGISLATIVE BILL 297. Indefinitely postponed.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 133. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendments to LB 236:
AM0034

1. On page 2, strike beginning with "(a)" in line 6 through "inhabitants" in line 8; in line 8 after "designate" insert "(a)"; and strike beginning with "in" in line 11 through "(ii)" in line 16.

2. On page 3, lines 10 and 11, strike the new matter; and strike beginning with "two" in line 12 through "of" in line 13 and show the old matter as stricken.

LEGISLATIVE BILL 67. Indefinitely postponed.
LEGISLATIVE BILL 71. Indefinitely postponed.
LEGISLATIVE BILL 103. Indefinitely postponed.
LEGISLATIVE BILL 181. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 150	Tuesday, January 31, 1989	1:30 p.m.
LB 240	Tuesday, January 31, 1989	1:30 p.m.
LB 516	Tuesday, January 31, 1989	1:30 p.m.
LB 790	Tuesday, January 31, 1989	1:30 p.m.
LB 421	Tuesday, January 31, 1989	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Education

LB 337	Tuesday, January 31, 1989	1:30 p.m.
LB 612	Tuesday, January 31, 1989	1:30 p.m.
LB 744	Tuesday, January 31, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

Nebraska Retirement Systems

LB 148	Tuesday, January 31, 1989	Noon
LB 418	Tuesday, January 31, 1989	Noon
LB 506	Tuesday, January 31, 1989	Noon

Governor Appointment Tuesday, January 31, 1989 Noon
Connie Witt

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 35, 36, 38, 53, 57, 79, 123, 158, and 190.

(Signed) John Lindsay, Chairperson

Enrollment and Review Change to LB 158

The following changes, required to be reported for publication in the Journal, have been made:
ER0105

1. In lieu of the Labedz amendment, FA7, on page 2, line 13, "used" has been struck, shown as stricken, and "and shall comply with the requirements of subdivision (1)(a) of section 60-311;" inserted; and line 14 has been struck and the old matter shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

January 24, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16 and 17 were received in the Governor's office on January 20, 1989.

Because the Governor is out of the State, these bills were signed by me as Acting Governor on January 24, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) William E. Nichol
Lieutenant Governor

cc: Allen Beermann

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 180. Considered.

Mr. McFarland withdrew his pending amendment, AM0030, found in the Journal on page 402.

Mr. McFarland offered the following amendment:
FA8

1. On page 2, line 3, after "older" insert ", is retired, derives the majority of his or her income from retirement benefits, does not hold full-time employment," and strike "who";

MR. HANNIBAL 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.

SPEAKER BARRETT PRESIDING

Mr. McFarland moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Chambers	Hartnett	McFarland	Schimek
Baack	Chizek	Korshoj	Morrissey	Smith
Beck	Crosby	Labedz	Nelson	Wesely
Bernard-Stevens	Goodrich	Landis	Robak	Withem
	Haberman	Lindsay		

Voting in the negative, 18:

Barrett	Hefner	Lamb	Rogers	Warner
Beyer	Johnson, L.	Langford	Schmit	Wehrbein
Coordsen	Johnson, R.	Moore	Scofield	Weihing
Hannibal	Kristensen	Pirsch		

Present and not voting, 4:

Conway	Dierks	Elmer	Schellpeper

Excused and not voting, 5:

Abboud	Byars	Hall	Lynch	Peterson

The McFarland amendment lost with 22 ayes, 18 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LB 180.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 256. Placed on General File as amended.
Standing Committee amendment to LB 256:
AM0048
1. On page 2, line 19, strike "July" and insert "August".

(Signed) Dennis Baack, Chairperson

MESSAGES FROM THE GOVERNOR

January 24, 1989

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 Trustees of Nebraska State Colleges, requiring legislative confirmation.

Appointee:
Wynn Smithberger Nuckolls, 620 H Street, Fairbury, NE 68352, (402) 729-2053.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 24, 1989

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 Trustees of the Nebraska State Colleges, requiring legislative confirmation.

Appointee:
Andrew C. Hove, Jr., 709 W. Lexington, Minden, NE 68959, (308) 832-1600.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Education
Board of Trustees of Nebraska State Colleges
Andrew C. Hove, Jr.
Wynn Smithberger Nuckolls

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Tuesday, January 31, 1989 1:15 p.m.
Board of Trustees of Nebraska State Colleges
Andrew C. Hove, Jr.
Wynn Smithberger Nuckolls

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 60. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 207. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 189. E & R amendments, AM5011, found in the Journal on page 398 for the Twelfth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 51. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Ashford asked unanimous consent to have his name withdrawn as co-introducer to LB 151. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 111. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ray Kunkee from McCook and Dennis Schnider from Lincoln.

ADJOURNMENT

At 11:15 a.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 25, 1989

LEGISLATIVE JOURNAL

FOURTEENTH DAY - JANUARY 25, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. John Eilers, Southview Christian, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Chambers, Korshoj, Lynch, Moore, Morrissey, Warner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 97. Placed on Select File as amended.
E & R amendments to LB 97:
AM5014

1. On page 1, line 4, strike "define and".
2. On page 2, line 24, after "operation" insert an underscored comma.
3. On page 5, line 12, strike the comma; and

in line 13 strike "to" and insert "through".

LEGISLATIVE BILL 94. Placed on Select File as amended.
E & R amendments to LB 94:
AM5016

1. On page 1, line 4, strike "a buyer"; in line 5 strike "to purchase" and insert "the purchase of"; in line 6 strike "a fee" and insert "fees"; and in line 7 after the semicolon insert "to change provisions relating to delinquency charges;".
2. On page 7, line 4, strike the last comma.

LEGISLATIVE BILL 251. Placed on Select File as amended.
E & R amendment to LB 251:
AM5015

1. On page 2, line 4, strike "8" and insert "9".

Correctly Engrossed

The following bills were correctly engrossed: 51, 60, 189, and 207.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 261. Placed on General File.

LEGISLATIVE BILL 175. Placed on General File as amended.
Standing Committee amendment to LB 175:
AM0053

1. On page 2, line 19, strike "seventy" and insert "fifty".

(Signed) George Coordsen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 20. Introduced by Weihing, 48th District.

WHEREAS, the Scottsbluff Junior High School Band has achieved and maintained high standards of excellence in the concert area for many years; and

WHEREAS, the Scottsbluff Junior High School Band has been evaluated and rated in its concert activities; and

WHEREAS, the Scottsbluff Junior High School Band was awarded the John Phillip Sousa Foundation's Sudler Cup; and

WHEREAS, the Sudler Cup is awarded for truly outstanding excellence in concert performances by a junior high school band; and

WHEREAS, the Scottsbluff Junior High School Band was the only junior high school band in the entire country to receive the award in 1988; and

WHEREAS, only nine junior high school bands in the entire country have received the award during the five years that the program has been in operation.

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

1. That the Nebraska Legislature sends its congratulations to the band members and to the director, Ms. Georgene Diers.

2. That the Nebraska Legislature recognizes the hard work and dedication that went into achieving this award.

3. That the Nebraska Legislature expresses its pride in the young women and men who are members of the band and wishes them continued success.

4. That a copy of this resolution be mailed to the Scottsbluff Junior High School Band.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 708	Thursday, February 2, 1989	1:30 p.m.
LB 464	Friday, February 3, 1989	1:30 p.m.
LB 596	Friday, February 3, 1989	1:30 p.m.
LB 805	Wednesday, February 8, 1989	1:30 p.m.
LB 42	Wednesday, February 8, 1989	1:30 p.m.
LB 44	Wednesday, February 8, 1989	1:30 p.m.
LB 496	Friday, February 10, 1989	1:30 p.m.
LB 571	Friday, February 10, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Revenue

LB 481	Wednesday, February 1, 1989	1:30 p.m.
LB 433	Wednesday, February 1, 1989	1:30 p.m.
LB 535	Wednesday, February 1, 1989	1:30 p.m.
LB 629	Wednesday, February 1, 1989	1:30 p.m.
LB 361	Thursday, February 2, 1989	1:30 p.m.
LB 607	Thursday, February 2, 1989	1:30 p.m.
LB 804	Thursday, February 2, 1989	1:30 p.m.
LR 2	Thursday, February 2, 1989	1:30 p.m.
LR 15	Thursday, February 2, 1989	1:30 p.m.
LB 762	Friday, February 3, 1989	1:30 p.m.
LB 731	Friday, February 3, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

REPORTS

Received reports from the Omaha School Employees Retirement System in compliance with Statute 79-1051.06.

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads for December, 1988.

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
Lewis & Clark	
James Sheldon, Attorney	5,000.04
Middle Niobrara	
Coupland Law Office	502.75

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to the state treasury; to amend sections 77-2405, 77-2417, and 77-2418, Reissue Revised Statutes of Nebraska, 1943, and section 85-505.01, Revised Statutes Supplement, 1988; to transfer statutes relating to the sale of judgments and mortgages, to appropriations, and to debts owed to and by the state; 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, 40:

Ashford	Coordsen	Hartnett	Lindsay	Schimek
Baack	Crosby	Hefner	McFarland	Schmit
Barrett	Dierks	Johnson, L.	Nelson	Scofield
Beck	Elmer	Johnson, R.	Peterson	Smith
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Chizek	Hannibal	Langford	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Chambers	Labedz	Moore	Warner
Byars	Korshoj	Lynch	Morrissey	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 18.

A BILL FOR AN ACT relating to preservation of history and records; to amend sections 19-3040, 32-845, 37-1304, 51-413, 72-810, 84-1204, 84-1212.01, and 84-1214.01, Reissue Revised Statutes of Nebraska, 1943, and section 72-815, Revised Statutes Supplement,

1988; to change references to the Nebraska State Historical Society, the State Archives, the State Archivist, the State Historic Preservation Officer, the State Records Board, and the State Records Administrator for consistency with other provisions of law; to eliminate a provision relating to the substitution of terms; and to repeal the original sections, and also section 84-1221, 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	Hartnett	Langford	Schimek
Ashford	Coordsen	Hefner	Lindsay	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Korshoj	Peterson	Wehrbein
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Weihing
	Haberman	Labedz	Robak	Wesely
Beyer	Hall	Lamb	Rogers	Withem
Chizek	Hannibal	Landis	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Byars	Lynch	Moore	Morrissey	Warner
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 19.

A BILL FOR AN ACT relating to the statewide open burning ban; to amend section 81-520.02, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions with former acts of the Legislature; and to repeal the original section.

Whereupon the 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	Hartnett	Langford	Schimek
Ashford	Coordsen	Hefner	Lindsay	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Korshoj	Peterson	Wehrbein
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Weihing
	Haberman	Labedz	Robak	Wesely
Beyer	Hall	Lamb	Rogers	Withem
Chizek	Hannibal	Landis	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Byars	Lynch	Moore	Morrissey	Warner
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 20.

A BILL FOR AN ACT relating to the Commodity Code; to amend section 8-1733, Reissue Revised Statutes of Nebraska, 1943; to authorize sending a notice by certified mail to conform with Laws 1987, LB 93; and to repeal the original section.

Whereupon the 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	Rogers
Ashford	Conway	Hartnett	Langford	Schellpeper
Baack	Coordsen	Hefner	Lindsay	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Schmit
Beck	Dierks	Johnson, R.	Nelson	Scofield
Bernard-Stevens	Elmer	Korshoj	Peterson	Smith
	Goodrich	Kristensen	Pirsch	Warner
Beyer	Haberman	Lamb	Robak	Wehrbein

Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Hall Labedz

Excused and not voting, 5:

Byars Chambers Lynch Moore Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 21.

A BILL FOR AN ACT relating to highways; to amend sections 39-6,100 and 39-1346, Reissue Revised Statutes of Nebraska, 1943; to eliminate an unused definition and a duplicative penalty provision; to change a penalty provision to harmonize with Laws 1977, LB 40, section 207; to eliminate a reference 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	Hartnett	Langford	Schimek
Ashford	Coordsen	Hefner	Lindsay	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Korshoj	Peterson	Warner
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Wehrbein
Beyer	Haberman	Labedz	Robak	Weihing
Chambers	Hall	Lamb	Rogers	Wesely
Chizek	Hannibal	Landis	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Byars Lynch Moore Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to children; to amend sections 42-103, 43-105, 43-279.01, 43-508, 43-702, 43-707, and 48-124, Reissue Revised Statutes of Nebraska, 1943; to change references to defective and illegitimate children to harmonize with Laws 1986, LB 1177, and Laws 1941, chapter 81, section 14; to change who can consent to adoption of a minor child; to provide for the standard of proof in certain cases involving Indian children to harmonize with Laws 1985, LB 255, section 34; to correct a reference to who can remove a child from certain custody; to combine related sections; to eliminate an obsolete reference to county boards of public welfare; and to repeal the original sections, and also section 43-703, 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	Hartnett	Langford	Schimek
Ashford	Coordsen	Hefner	Lindsay	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Korshoj	Peterson	Warner
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Wehrbein
Beyer	Haberman	Labedz	Robak	Weihing
Chambers	Hall	Lamb	Rogers	Wesely
Chizek	Hannibal	Landis	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Byars Lynch Moore Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to husband and wife; to amend sections 42-363, 42-374, and 42-808, Reissue Revised Statutes of Nebraska, 1943; to eliminate duplicative and inconsistent language concerning finality of a decree dissolving a marriage; to change a reference to mental retardate to harmonize with Laws 1986, LB 1177; to change references to repealed 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	Hartnett	Langford	Schimek
Ashford	Coordsen	Hefner	Lindsay	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Korshoj	Peterson	Warner
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Wehrbein
	Haberman	Labedz	Robak	Weihing
Beyer	Hall	Lamb	Rogers	Wesely
Chambers	Hannibal	Landis	Schellpeper	Withem
Chizek				

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Lynch	Moore	Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 24.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1501 and 23-1502, Reissue Revised Statutes of Nebraska,

1943; to harmonize provisions relating to the election of a register of deeds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Conway	Hefner	Lindsay	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Chambers	Hannibal	Langford	Schellpeper	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Excused and not voting, 3:

Byars	Lynch	Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-557 and 60-2120, Reissue Revised Statutes of Nebraska, 1943; to eliminate a duplicative penalty provision; to eliminate a section providing for applicability of certain laws; to eliminate provisions relating to transition of the motorcycle education program; to harmonize provisions; and to repeal the original sections, and also sections 60-403.04, 60-509.04, 60-2140, and 60-2141, 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	Hartnett	Lindsay	Schimek
Ashford	Coordsen	Hefner	McFarland	Schmit
Baack	Crosby	Johnson, L.	Moore	Scofield
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Robak	Weihing
Chambers	Hall	Landis	Rogers	Wesely
Chizek	Hannibal	Langford	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 3:

Byars	Lynch	Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 26.

A BILL FOR AN ACT relating to appeals; to amend sections 23-320 and 31-438, Reissue Revised Statutes of Nebraska, 1943; to correct internal references to an appeal procedure; 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, 47:

Abboud	Bernard-Stevens	Conway	Goodrich	Hefner
Ashford	Beyer	Coordsen	Haberman	Johnson, L.
Baack	Chambers	Crosby	Hall	Johnson, R.
Barrett	Chizek	Dierks	Hannibal	Korshoj
Beck		Elmer	Hartnett	Kristensen

Labedz	Lynch	Pirsch	Schmit	Wehrbein
Lamb	McFarland	Robak	Scofield	Weihing
Landis	Moore	Rogers	Smith	Wesely
Langford	Nelson	Schellpeper	Warner	Withem
Lindsay	Peterson	Schimek		

Voting in the negative, 0.

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1107, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a repealed statute; and to repeal the original section.

Whereupon the 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	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Chambers	Hannibal	Langford	Schellpeper	Withem
Chizek	Hartnett	Lindsay		

Voting in the negative, 0.

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to the Nebraska brand inspection area; to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to repealed sections; and to repeal the original section.

Whereupon the 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	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Johnson, R.	McFarland	Schmit
Barrett	Dierks	Korshoj	Moore	Scofield
Beck	Elmer	Kristensen	Nelson	Smith
Bernard-Stevens	Goodrich	Labedz	Peterson	Warner
	Haberman	Lamb	Pirsch	Wehrbein
Beyer	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to employment security; to amend section 48-609, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to a nonexistent fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Chambers	Hannibal	Langford	Schellpeper	Withem
Chizek	Hartnett	Lindsay		

Voting in the negative, 0.

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-485, 32-4,103, 32-4,150, and 79-486, Reissue Revised Statutes of Nebraska, 1943; to delete 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, 46:

Abboud	Conway	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Johnson, R.	McFarland	Schmit
Barrett	Dierks	Korshoj	Moore	Scofield
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to sanitary drainage districts; to repeal provisions governing the issuance of bonds during 1947 and 1948; and to repeal sections 31-543 to 31-548, 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	Beyer	Elmer	Johnson, L.	Langford
Ashford	Chambers	Goodrich	Johnson, R.	Lindsay
Baack	Chizek	Haberman	Korshoj	Lynch
Barrett	Conway	Hall	Kristensen	McFarland
Beck	Coordsen	Hannibal	Labedz	Moore
Bernard-Stevens	Crosby	Hartnett	Lamb	Nelson
	Dierks	Hefner	Landis	Peterson

Pirsch	Schellpeper	Scofield	Wehrbein	Wesely
Robak	Schimek	Warner	Weihing	Withem
Rogers	Schmit			

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to welfare; to amend sections 47-408 and 83-372, Reissue Revised Statutes of Nebraska, 1943, and section 83-374, Revised Statutes Supplement, 1988; to change references to correspond with Laws 1982, LB 522, and Laws 1983, LB 401; and to repeal the original sections.

Whereupon the 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	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Johnson, R.	McFarland	Schmit
Barrett	Dierks	Korshoj	Moore	Scofield
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 2:

Byars Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 134. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 115. Placed on General File.
LEGISLATIVE BILL 283. Placed on General File.
LEGISLATIVE BILL 284. Placed on General File.

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendment to LB 58:
AM0050

1. On page 2, line 17, strike "two" and insert "five".

LEGISLATIVE BILL 142. Placed on General File as amended.
Standing Committee amendments to LB 142:
AM0051

1. Insert the following new sections:

"Sec. 2. That section 60-311.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.03. (1) Any resident of this state may, in addition to the application required by section 60-302, make application to the Department of Motor Vehicles for a set of license plates designed by the ~~Department of Motor Vehicles~~ department to indicate that the recipient of the plates is a survivor of the

Japanese attack on Pearl Harbor if he or she:

(a) Was a member of the United States Armed Forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) Received an honorable discharge from the United States Armed Forces; and

(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.

(2) The plates shall be issued upon ~~payment of~~ the applicant paying the regular license fee and an additional fee of five dollars and furnishing ~~of~~ proof satisfactory to the ~~Department of Motor Vehicles~~ department that the recipient fulfills the requirements provided by subsection (1) of this section. Only one motor vehicle owned by the applicant shall be so licensed at any one time.

(3) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement plates upon request and without charge.

Sec. 3. That section 60-311.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.04. (1) Any resident of this state who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who received an honorable discharge from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-302, make application to the Department of Motor Vehicles for a set of license plates designed to indicate that the recipient of the plates is a former prisoner of war. The plates shall be issued upon ~~payment of~~ the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. Only one motor vehicle owned by an applicant shall be so licensed at any one time.

(2) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates

upon request and without charge.

Sec. 4. This act shall become operative on January 1, 1990.

Sec. 5. That original sections 60-311.03 and 60-311.04, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 4, strike "Veterans' Administration" and insert "Department of Veterans Affairs"; in line 9 after the period insert "The inscription on the plates shall be D.A.V. immediately below the license number to indicate that the recipient of the plates is a disabled veteran."; in line 10 strike "payment of" and insert "the applicant paying" and in line 11 after "and" insert "an additional fee of five dollars and".

3. Insert underscoring in original section 1.

LEGISLATIVE BILL 156. Placed on General File as amended.
Standing Committee amendments to LB 156:
AM0052

1. On page 2, line 14, after "fee" insert "and an additional fee of five dollars".

2. Insert the following new section:

"Sec. 2. This act shall become operative on January 1, 1990.".

LEGISLATIVE BILL 128. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

General Affairs

LEGISLATIVE BILL 298. Placed on General File.

LEGISLATIVE BILL 70. Placed on General File as amended.
Standing Committee amendments to LB 70:
AM0055

1. On page 2, strike beginning with "The" in line 12 through the period in line 15.

2. On page 3, line 6, strike "sections 2 and" and insert "section"; and in line 11 strike "sections" and insert "section".

LEGISLATIVE BILL 62. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

Education

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendment to LB 312:
AM0056

1. On page 3, line 21, after the period insert "An interim report"; in line 22 reinstate the stricken matter; and strike beginning with "An" in line 23 through the period in line 24.

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 279. Placed on General File.
LEGISLATIVE BILL 296. Placed on General File.
LEGISLATIVE BILL 321. Placed on General File.
LEGISLATIVE BILL 322. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 119	Wednesday, February 1, 1989	1:30 p.m.
LB 121	Wednesday, February 1, 1989	1:30 p.m.
LB 286	Wednesday, February 1, 1989	1:30 p.m.
LB 502	Wednesday, February 1, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Health and Human Services

LB 354	Wednesday, February 1, 1989	1:30 p.m.
LB 362	Wednesday, February 1, 1989	1:30 p.m.
LB 449	Wednesday, February 1, 1989	1:30 p.m.
LB 489	Wednesday, February 1, 1989	1:30 p.m.
LB 360	Thursday, February 2, 1989	1:30 p.m.
LB 610	Thursday, February 2, 1989	1:30 p.m.

LB 520	Thursday, February 2, 1989	1:30 p.m.
LB 733	Thursday, February 2, 1989	1:30 p.m.
LB 363	Friday, February 3, 1989	1:30 p.m.
LB 732	Friday, February 3, 1989	1:30 p.m.
LB 723	Friday, February 3, 1989	1:30 p.m.
LB 659	Wednesday, February 8, 1989	1:30 p.m.
LB 720	Wednesday, February 8, 1989	1:30 p.m.
LB 290	Wednesday, February 8, 1989	1:30 p.m.
LB 343	Thursday, February 9, 1989	1:30 p.m.
LB 355	Thursday, February 9, 1989	1:30 p.m.
LB 688	Thursday, February 9, 1989	1:30 p.m.
LB 511	Friday, February 10, 1989	1:30 p.m.
LB 666	Friday, February 10, 1989	1:30 p.m.

(Signed) Don Wesely, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32.

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 257. Title read. Considered.

Standing Committee amendments, AM0049, found in the Journal on page 413 for the Thirteenth Day, were considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 295. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendments, AM0034, found in the Journal on page 414 for the Thirteenth Day, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Messrs. Schmit and R. Johnson moved to indefinitely postpone LB 236.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Schmit-R. Johnson motion to indefinitely postpone prevailed with 23 ayes, 12 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 45. E & R amendment, AM5012, found in the Journal on page 412 for the Thirteenth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 168. E & R amendment, AM5013, found in the Journal on page 412 for the Thirteenth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 169. Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 25, 1989, at 11:11 a.m., were the following bills: 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32.

(Signed) Randall S. Tippin, Enrolling Clerk

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 165. Placed on General File as amended.
Standing Committee amendment to LB 165:
AM0046

1. on page 7, line 7, after "office" insert "pursuant to section 32-209"; and in line 9 after "citizen" insert "for the purpose of ordering the redistricting".

LEGISLATIVE BILL 177. Placed on General File as amended.
Standing Committee amendments to LB 177:
AM0058

1. On page 4, line 9, strike "Members" and insert "Appointed members".
2. Strike original sections 7 and 8.

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendments to LB 254:
AM0047

1. On page 5, line 21, strike "17" and insert "25".
2. On page 19, line 1, strike "and" and insert "or".

(Signed) Dennis Baack, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 221. Placed on General File as amended.
Standing Committee amendment to LB 221:
AM0072

1. On page 17, line 2, after the period insert "Nothing in this subsection shall be construed to restrict investments authorized pursuant to section 14-563.".

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendment to LB 114:
AM0071

1. On page 4, line 5, after "personnel" insert "within the course of their employment".

LEGISLATIVE BILL 122. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 503	Wednesday, February 1, 1989	1:30 p.m.
LB 517	Wednesday, February 1, 1989	1:30 p.m.
LB 191	Wednesday, February 1, 1989	1:30 p.m.
LB 644	Wednesday, February 1, 1989	1:30 p.m.
LB 524	Thursday, February 2, 1989	1:30 p.m.
LB 631	Thursday, February 2, 1989	1:30 p.m.
LB 241	Thursday, February 2, 1989	1:30 p.m.
LB 382	Thursday, February 2, 1989	1:30 p.m.
LB 637	Thursday, February 2, 1989	1:30 p.m.
LR 6CA	Thursday, February 2, 1989	1:30 p.m.
LR 13CA	Thursday, February 2, 1989	1:30 p.m.
LB 352	Friday, February 3, 1989	1:30 p.m.
LB 217	Friday, February 3, 1989	1:30 p.m.

LB 341	Friday, February 3, 1989	1:30 p.m.
LB 752	Friday, February 3, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 89. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 646. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 742. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dave and Matt Kimle from Kenesaw; Art and Nancy Schultz from Bloomfield; and 40 third grade students and teachers from Brownell School, Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 26, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. David Quam, Central Alliance Church.

ROLL CALL

The roll was called and all members were present except Mrs. Beck and Mr. Byars who were excused; and Messrs. Chambers, Goodrich, Haberman, R. Johnson, Korshoj, Landis, Wesely, Mmes. Labedz, Pirsch, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 134. Placed on Select File as amended.
E & R amendment to LB 134:
AM5017
1. On page 2, line 6, strike "exam" and insert "examination"; in line 7 strike "college

freshmen" and insert "first-year college students"; and in line 16 after "services" insert "for".

LEGISLATIVE BILL 255. Placed on Select File.

LEGISLATIVE BILL 257. Placed on Select File as amended.
E & R amendments to LB 257:
AM5019

1. On page 4, line 9, strike the comma and show as stricken.

2. On page 6, line 2, after "agency" insert "thereof"; and in line 10 strike "construed" and insert "constructed".

LEGISLATIVE BILL 295. Placed on Select File as amended.
E & R amendments to LB 295:
AM5018

1. On page 1, line 5, after "policies" insert "and certificates".

2. On page 3, line 13, after the first "certificate" insert an underscored comma; and in line 15 after "44-4508" insert an underscored comma.

3. On page 4, line 5, strike "subsection" and insert "subsections".

LEGISLATIVE BILL 133. Placed on Select File.
LEGISLATIVE BILL 277. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 45, 168, and 169.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 43. Placed on General File.
LEGISLATIVE BILL 113. Placed on General File.
LEGISLATIVE BILL 171. Placed on General File.
LEGISLATIVE BILL 172. Placed on General File.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 132	Thursday, February 2, 1989	1:30 p.m.
LB 387	Thursday, February 2, 1989	1:30 p.m.
LB 587	Thursday, February 2, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 20. Read. Considered.

LR 20 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 256. Title read. Considered.

Standing Committee amendment, AM0048, found in the Journal on page 418 for the Thirteenth Day, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 175. Title read. Considered.

Standing Committee amendment, AM0053, found in the Journal on page 423 for the Fourteenth Day, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 261. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 115. 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.

LEGISLATIVE BILL 283. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 284. 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 58. Title read. Considered.

Standing Committee amendment, AM0050, found in the Journal on page 439 for the Fourteenth Day, was considered.

Mr. Schellpeper 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 Standing Committee amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

MOTION - Rerefer LB 225

Mr. McFarland moved to rerefer LB 225 from the Urban Affairs Committee to the Education Committee.

Laid over.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 80. Placed on General File.
LEGISLATIVE BILL 82. Placed on General File.
LEGISLATIVE BILL 200. Placed on General File.

LEGISLATIVE BILL 201. Placed on General File.
LEGISLATIVE BILL 204. Placed on General File.

(Signed) Jerry Chizek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 92. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0054.)

(Signed) Dave Landis, Chairperson

ANNOUNCEMENT

Mr. Warner announced the Credentials Committee which has been appointed to consider the election contest in the 17th legislative district will meet at 12:00 p.m. on January 27, 1989, in Room 2102.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 464	Friday, February 3, 1989 (Cancel)	1:30 p.m.
LB 596	Friday, February 3, 1989 (Cancel)	1:30 p.m.
LB 464	Wednesday, February 22, 1989 (Reset)	1:30 p.m.
LB 596	Wednesday, February 22, 1989 (Reset)	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 142. Title read. Considered.

Standing Committee amendments, AM0051, found in the Journal on page 439 for the Fourteenth Day, were adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

MR. L. JOHNSON PRESIDING

LEGISLATIVE BILL 156. Title read. Considered.

Standing Committee amendments, AM0052, found in the Journal on page 441 for the Fourteenth Day, were adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 156.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Chambers motion to indefinitely postpone lost with 12 ayes, 22 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote of the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Crosby	Hartnett	Labedz	Robak
Ashford	Elmer	Hefner	Lamb	Rogers
Baack	Goodrich	Johnson, L.	Moore	Schellpeper
Beyer	Haberman	Korshoj	Nelson	Schmit
Chizek	Hannibal	Kristensen	Pirsch	Smith
Conway				

Voting in the negative, 7:

Chambers	Langford	Schimek	Warner	Weihing
Landis	Morrissey			

Present and not voting, 12:

Barrett	Coordsen	Lindsay	Scofield	Wesely
Bernard-Stevens	Dierks	Lynch	Wehrbein	Withem
	Johnson, R.	McFarland		

Excused and not voting, 4:

Beck	Byars	Hall	Peterson

Advanced to E & R for Review with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 298. Title read. Considered.

Mr. Haberman offered the following amendment:
AM0005

1. On page 2, line 10, after the period insert "Any publisher who charges more than the legal rate for publication of legal notices shall be guilty of a Class IV misdemeanor. Each day a rate is charged in violation of this section shall constitute a separate offense.".

Messrs. Lynch and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beyer	Dierks	Labedz	Nelson	Schimek
Chambers	Elmer	Landis	Pirsch	Schmit
Chizek	Haberman	Langford	Robak	Smith
Conway	Hall	Moore	Rogers	Wehrbein
Coordsen	Hartnett	Morrissey	Schellpeper	Weihing

Voting in the negative, 15:

Abboud	Barrett	Johnson, L.	Kristensen	Scofield
Ashford	Crosby	Johnson, R.	Lamb	Warner
Baack	Hefner	Korshoj	Lindsay	Wesely

Present and not voting, 3:

Bernard-Stevens	Goodrich	McFarland

Excused and not voting, 6:

Beck Hannibal Lynch Peterson Withem
Byars

The Haberman amendment was adopted with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis offered the following amendment:
FA9
to amend the Haberman amendment:
In line 2 insert the word "knowingly" after the "who".

Mr. Abboud 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 Landis amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducers

Ms. Schimek asked unanimous consent to have her name added as co-introducer to LB 776. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 58. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 89. No objections. So ordered.

Mr. McFarland asked unanimous consent to have his name added as co-introducer to LB 89. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 106. Placed on General File.
LEGISLATIVE BILL 194. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 632	Thursday, February 2, 1989	Noon
LB 242	Thursday, February 2, 1989	Noon
LB 789	Thursday, February 2, 1989	Noon

Governor Appointments Thursday, February 2, 1989 Noon
Alcurtis Robinson
Barbara Coats Grabowski

(Signed) Rex Haberman, Chairperson

Business and Labor

LB 288	Monday, February 6, 1989	1:30 p.m.
LB 367	Monday, February 6, 1989	1:30 p.m.
LB 413	Monday, February 6, 1989	1:30 p.m.
LB 414	Monday, February 6, 1989	1:30 p.m.
LB 410	Monday, February 6, 1989	1:30 p.m.
LB 407	Monday, February 13, 1989	1:30 p.m.
LB 415	Monday, February 13, 1989	1:30 p.m.
LB 605	Monday, February 13, 1989	1:30 p.m.
LB 679	Monday, February 13, 1989	1:30 p.m.
LB 419	Monday, February 27, 1989	1:30 p.m.
LB 453	Monday, February 27, 1989	1:30 p.m.
LB 541	Monday, February 27, 1989	1:30 p.m.
LB 698	Monday, February 27, 1989	1:30 p.m.
LB 411	Monday, March 6, 1989	1:30 p.m.
LB 652	Monday, March 6, 1989	1:30 p.m.
LB 630	Monday, March 6, 1989	1:30 p.m.
LB 636	Monday, March 6, 1989	1:30 p.m.

(Signed) George Coordsen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 175A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 175, Ninety-first Legislature, First Session, 1989.

VISITORS

Visitors to the Chamber were Jeff Francis and Colleen Totz; and 60 fourth grade students and teachers from Pyrtle School, Lincoln.

MOTION - Adjournment

Mr. Haberman moved to adjourn until 9:00 a.m., Friday, January 27, 1989. The motion prevailed, and at 12:03 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Friday, January 27, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 27, 1989

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 27, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Jerry McInnis, Trinity United Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Ashford, Baack, Chizek, Hall, R. Johnson, Lindsay, Schellpeper, Mmes. Beck, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 14, line 17, strike "32-1001.32, RSS." and insert "32-1001.22, RRS."
The Journal for the First Day was approved as corrected.
The Journal for the Fifteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 256. Placed on Select File.

LEGISLATIVE BILL 175. Placed on Select File as amended.
E & R amendments to LB 175:

AM5020

1. On page 3, line 23, strike "or" and insert an underscored comma; and in line 24, after "Act" insert ", or section 20-132".

2. On page 4, line 2, after "act" insert "or such section".

LEGISLATIVE BILL 261. Placed on Select File.
LEGISLATIVE BILL 115. Placed on Select File.

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendments to LB 283:
AM5023

1. On page 4, line 4, strike "are" and insert "is".

2. On page 7, line 19, strike the third "or" and show as stricken.

3. On page 12, line 25, strike "motor", show as stricken, and insert "motive".

LEGISLATIVE BILL 284. Placed on Select File.
LEGISLATIVE BILL 58. Placed on Select File.

LEGISLATIVE BILL 142. Placed on Select File as amended.
E & R amendments to LB 142:
AM5022

1. In the Standing Committee amendments, AM0051:

a. On page 1, line 10, strike "recipient of", show as stricken, and insert "applicant for";

b. On page 2, line 5, strike "recipient", show as stricken, and insert "applicant"; and in line 24 strike "recipient of", show as stricken, and insert "applicant for"; and

c. On page 3, line 17, before "Department" insert "United States"; and in lines 20 and 21 strike "recipient of" and insert "applicant for".

2. On page 1, line 1, after the semicolon insert "to amend sections 60-311.03 and 60-311.04, Reissue Revised Statutes of Nebraska, 1943;"; and in line 3 strike "and" and after "plates" insert "; to provide fees for the issuance of certain license plates; to provide an operative date; and to repeal the original sections".

3. On page 2, line 9, strike "recipient of" and insert "applicant for"; and in line 12 strike "department" and insert "Department of Motor Vehicles".

LEGISLATIVE BILL 156. Placed on Select File as amended.
E & R amendments to LB 156:
AM5021

1. On page 1, line 4, strike "and" and after "regulations" insert "; and to provide an operative date".

2. On page 2, line 5, strike "recipient of" and insert "applicant for"; in line 10 strike the comma; and in line 15 strike "recipient" and insert "applicant".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 159. Placed on General File.

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendment to LB 138:
AM0094

1. On page 2, line 4, after "person" insert "fourteen" and reinstate the stricken "years of age"; and in line 5 reinstate the stricken "or over".

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 50	Wednesday, February 8, 1989	1:30 p.m.
LB 592	Wednesday, February 15, 1989	1:30 p.m.
LB 234	Wednesday, February 15, 1989	1:30 p.m.
LB 351	Wednesday, February 15, 1989	1:30 p.m.
LB 372	Wednesday, February 15, 1989	1:30 p.m.
LB 445	Wednesday, February 15, 1989	1:30 p.m.
LB 490	Wednesday, February 15, 1989	1:30 p.m.
LB 565	Wednesday, February 15, 1989	1:30 p.m.
LB 626	Wednesday, February 15, 1989	1:30 p.m.

LB 667	Wednesday, February 15, 1989	1:30 p.m.
LB 684	Wednesday, February 15, 1989	1:30 p.m.
LB 178	Thursday, February 16, 1989	1:30 p.m.
LB 179	Thursday, February 16, 1989	1:30 p.m.
LB 328	Thursday, February 16, 1989	1:30 p.m.
LB 400	Thursday, February 16, 1989	1:30 p.m.
LB 401	Thursday, February 16, 1989	1:30 p.m.
LB 446	Thursday, February 16, 1989	1:30 p.m.
LB 558	Thursday, February 16, 1989	1:30 p.m.
LB 73	Thursday, February 16, 1989	1:30 p.m.
LB 205	Wednesday, February 22, 1989	1:30 p.m.
LB 483	Wednesday, February 22, 1989	1:30 p.m.
LB 579	Wednesday, February 22, 1989	1:30 p.m.
LB 719	Wednesday, February 22, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 20.

UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Rerefer LB 225

Mr. McFarland renewed his pending motion found in the Journal on page 451 to rerefer LB 225 from the Urban Affairs Committee to the Education Committee.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

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.

Mr. McFarland moved for a call of the house.

Mr. Warner raised a point of inquiry, asking whether a call of the house is in order prior to the closing.

The Chair ruled the call of the house prior to the closing is out of order.

Mr. McFarland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair withdrew his ruling stating that a review of Rule 7, Section 5, does not prohibit the house from being placed under call prior to closing.

Mr. McFarland withdrew his motion for a call of the house.

The McFarland motion to rerefer LB 225 lost with 13 ayes, 20 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 126. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 229. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 230. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 232. Mr. Lindsay offered the following amendment:
AM0091

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 24-524, Revised Statutes Supplement, 1988, be amended to read as follows:

24-524. (1) Actions in the Small Claims Court shall be commenced by the filing of a claim, personally or by mail, by the plaintiff on a form provided by the clerk of a county court. The claim form shall be executed by the plaintiff in the presence of a judge, a clerk or deputy or assistant clerk of a county court, or a notary public or other person authorized by law to take acknowledgments. If not filed in person, the claim form and appropriate fees shall be mailed by the plaintiff to the court of proper jurisdiction.

(2) At the time of the filing of the claim, the plaintiff shall pay a fee of five dollars to the

clerk.

(3) Upon filing of a claim in the Small Claims Court, the court shall set a time for hearing and shall cause notice to be served upon the defendant. Notice shall be served not less than ~~five~~ thirty days before the time set for hearing. Notice shall consist of a copy of the complaint and a summons directing the defendant to appear at the time set for hearing and informing the defendant that if he or she fails to appear, judgment will be entered against him or her. Notice shall be served in the manner provided for service of a summons in a civil action, except that service by certified mail shall be made by the clerk. The cost of service shall be paid by the plaintiff, but such cost and filing fee shall be added to any judgment given the plaintiff.

(4) The defendant may file a setoff or counterclaim. Any setoff or counterclaim shall be filed and a copy delivered to the plaintiff at least two days prior to the time of trial. If the setoff or counterclaim exceeds the jurisdictional limits of the Small Claims Court as established pursuant to section 24-522, the court shall cause the entire matter to be transferred to the regular county court docket and set for trial.

(5) No prejudgment actions for attachment, garnishment, replevin, or other provisional remedy may be filed in the Small Claims Court.

(6) All forms required by this section shall be prescribed by the Supreme Court. The claim form shall provide for the names and addresses of the plaintiff and defendant, a concise statement of the nature, amount, and time and place of accruing of the claim, and an acknowledgment for use by the person in whose presence the claim form is executed and shall also contain a brief explanation of the Small Claims Court procedure and methods of appeal therefrom.

(7) Judgments rendered against a defendant in his or her absence may not be set aside but may only be appealed as governed by section 24-527.

Sec. 2. That original section 24-524, Revised Statutes Supplement, 1988, and also section 24-535,

15 Reissue Revised Statutes of Nebraska, 1943, are
16 repealed.".

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Schellpeper's birthday.

SELECT FILE

LEGISLATIVE BILL 232. The Lindsay pending amendment, AM0091, found in this day's Journal, was renewed.

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. Lindsay withdrew his pending amendment, AM0091.

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.

The Chair ordered a machine vote on the advancement of the bill.

Mr. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 6 nays, and 31 not voting.

Mr. Lindsay requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Baack	Goodrich	Kristensen	Moore	Robak
Barrett	Hall	Labedz	Nelson	Schmit
Chambers	Hefner	Langford	Pirsch	Warner
Crosby	Johnson, L.	McFarland		

Voting in the negative, 20:

Abboud	Conway	Hartnett	Morrissey	Wehrbein
Ashford	Coordsen	Lamb	Rogers	Weihing
Beck	Dierks	Landis	Schellpeper	Wesely
Beyer	Elmer	Lindsay	Schimek	Withem

Present and not voting, 8:

Bernard-Stevens	Hannibal	Korshoj	Peterson	Smith
	Johnson, R.	Lynch	Scofield	

Excused and not voting, 3:

Byars	Chizek	Haberman

Failed to advance to E & R for Engrossment with 18 ayes, 20 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 233. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 97. E & R amendments, AM5014, found in the Journal on page 422 for the Fourteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 94. E & R amendments, AM5016, found in the Journal on page 423 for the Fourteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 251. E & R amendment, AM5015, found in the Journal on page 423 for the Fourteenth Day, was adopted.

Mr. Warner offered the following amendment:
AM0093

1. Strike the Standing Committee amendments, AM0015.

2. On page 7, strike beginning with "consultation" in line 3 through line 4 and insert "first conducting a public hearing on such negative impact and filing with the Director of the Game and Parks Commission a statement justifying the negative impact on the natural area of such activities or use.".

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. E & R amendment, AM5017, found in the Journal on page 488 for the Fifteenth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 295. E & R amendments, AM5018, found in the Journal on page 449 for the Fifteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 133. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 277. Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 431	Monday, February 6, 1989	1:30 p.m.
LB 597	Monday, February 6, 1989	1:30 p.m.
LB 311	Monday, February 6, 1989	1:30 p.m.
LB 706	Monday, February 6, 1989	1:30 p.m.
LB 692	Monday, February 6, 1989	1:30 p.m.
LB 358	Tuesday, February 7, 1989	1:30 p.m.
LB 359	Tuesday, February 7, 1989	1:30 p.m.
LB 577	Tuesday, February 7, 1989	1:30 p.m.
LB 598	Tuesday, February 7, 1989	1:30 p.m.
LB 759	Tuesday, February 7, 1989	1:30 p.m.
LB 356	Monday, February 13, 1989	1:30 p.m.
LB 452	Monday, February 13, 1989	1:30 p.m.
LB 476	Monday, February 13, 1989	1:30 p.m.
LB 482	Monday, February 13, 1989	1:30 p.m.
LB 64	Tuesday, February 14, 1989	1:30 p.m.
LB 105	Tuesday, February 14, 1989	1:30 p.m.
LB 454	Tuesday, February 14, 1989	1:30 p.m.

LB 559	Tuesday, February 14, 1989	1:30 p.m.
LB 560	Tuesday, February 14, 1989	1:30 p.m.
LB 782	Tuesday, February 14, 1989	1:30 p.m.
LB 380	Tuesday, February 21, 1989	1:30 p.m.
LB 319	Tuesday, February 21, 1989	1:30 p.m.
LB 542	Tuesday, February 21, 1989	1:30 p.m.
LB 544	Tuesday, February 21, 1989	1:30 p.m.
LB 278	Monday, February 27, 1989	1:30 p.m.
LB 505	Monday, February 27, 1989	1:30 p.m.
LB 99	Monday, February 27, 1989	1:30 p.m.
LB 100	Monday, February 27, 1989	1:30 p.m.
LB 681	Monday, February 27, 1989	1:30 p.m.
LB 466	Tuesday, February 28, 1989	1:30 p.m.
LB 467	Tuesday, February 28, 1989	1:30 p.m.
LB 656	Tuesday, February 28, 1989	1:30 p.m.
LB 423	Tuesday, February 28, 1989	1:30 p.m.
LB 461	Tuesday, February 28, 1989	1:30 p.m.
LB 606	Tuesday, February 28, 1989	1:30 p.m.
LB 333	Monday, March 6, 1989	1:30 p.m.
LB 457	Monday, March 6, 1989	1:30 p.m.
LB 593	Monday, March 6, 1989	1:30 p.m.
LB 529	Monday, March 6, 1989	1:30 p.m.
LB 549	Tuesday, March 7, 1989	1:30 p.m.
LB 758	Tuesday, March 7, 1989	1:30 p.m.
LB 748	Tuesday, March 7, 1989	1:30 p.m.
LB 749	Tuesday, March 7, 1989	1:30 p.m.
LB 624	Tuesday, March 7, 1989	1:30 p.m.
LB 578	Monday, March 13, 1989	1:30 p.m.
LB 647	Monday, March 13, 1989	1:30 p.m.
LB 746	Monday, March 13, 1989	1:30 p.m.
LB 93	Monday, March 13, 1989	1:30 p.m.
LB 711	Monday, March 13, 1989	1:30 p.m.
LB 480	Tuesday, March 14, 1989	1:30 p.m.
LB 613	Tuesday, March 14, 1989	1:30 p.m.
LB 771	Tuesday, March 14, 1989	1:30 p.m.
LB 776	Tuesday, March 14, 1989	1:30 p.m.
LB 803	Tuesday, March 14, 1989	1:30 p.m.

(Signed) David Landis, Chairperson

Natural Resources

Governor Appointment N. P. Dodge, Jr. - Power Review Board	Friday, February 3, 1989	1:30 p.m.
LB 339	Friday, February 3, 1989	1:30 p.m.
LB 619	Friday, February 3, 1989	1:30 p.m.
LB 623	Friday, February 3, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Urban Affairs

LB 125	Tuesday, February 7, 1989	1:30 p.m.
LB 772	Tuesday, February 7, 1989	1:30 p.m.
LB 773	Tuesday, February 7, 1989	1:30 p.m.
LB 494	Tuesday, February 7, 1989	1:30 p.m.
LB 451	Tuesday, February 14, 1989	1:30 p.m.
LB 792	Tuesday, February 14, 1989	1:30 p.m.
LR 11CA	Tuesday, February 14, 1989	1:30 p.m.
LR 12CA	Tuesday, February 14, 1989	1:30 p.m.
LR 17CA	Tuesday, February 14, 1989	1:30 p.m.
LB 225	Tuesday, February 21, 1989	1:30 p.m.
LB 498	Tuesday, February 21, 1989	1:30 p.m.
LB 670	Tuesday, February 21, 1989	1:30 p.m.
LB 800	Tuesday, February 21, 1989	1:30 p.m.
LB 444	Tuesday, February 21, 1989	1:30 p.m.
LB 671	Tuesday, February 28, 1989	1:30 p.m.
LB 791	Tuesday, February 28, 1989	1:30 p.m.
LB 756	Tuesday, February 28, 1989	1:30 p.m.
LB 244	Tuesday, February 28, 1989	1:30 p.m.
LB 633	Tuesday, February 28, 1989	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Revenue

LB 775	Friday, February 3, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

Transportation

LB 47	Monday, February 6, 1989	1:30 p.m.
LB 186	Monday, February 6, 1989	1:30 p.m.
LB 280	Monday, February 6, 1989	1:30 p.m.
LB 485	Monday, February 6, 1989	1:30 p.m.
LB 608	Monday, February 6, 1989	1:30 p.m.
LB 75	Tuesday, February 7, 1989	1:30 p.m.
LB 131	Tuesday, February 7, 1989	1:30 p.m.
LB 152	Tuesday, February 7, 1989	1:30 p.m.
LB 369	Tuesday, February 7, 1989	1:30 p.m.
LB 725	Tuesday, February 7, 1989	1:30 p.m.
LB 72	Monday, February 13, 1989	1:30 p.m.
LB 285	Monday, February 13, 1989	1:30 p.m.
LB 713	Monday, February 13, 1989	1:30 p.m.
LB 141	Tuesday, February 14, 1989	1:30 p.m.
LB 227	Tuesday, February 14, 1989	1:30 p.m.
LB 424	Tuesday, February 14, 1989	1:30 p.m.
LB 450	Tuesday, February 14, 1989	1:30 p.m.
LB 799	Tuesday, February 14, 1989	1:30 p.m.
LB 129	Tuesday, February 21, 1989	1:30 p.m.
LB 130	Tuesday, February 21, 1989	1:30 p.m.
LB 533	Tuesday, February 21, 1989	1:30 p.m.
LB 695	Tuesday, February 21, 1989	1:30 p.m.
LB 245	Monday, February 27, 1989	1:30 p.m.
LB 509	Monday, February 27, 1989	1:30 p.m.
LB 538	Monday, February 27, 1989	1:30 p.m.
LB 576	Monday, February 27, 1989	1:30 p.m.
LB 373	Tuesday, February 28, 1989	1:30 p.m.
LB 394	Tuesday, February 28, 1989	1:30 p.m.
LB 690	Tuesday, February 28, 1989	1:30 p.m.

LB 434	Monday, March 6, 1989	1:30 p.m.
LB 513	Monday, March 6, 1989	1:30 p.m.
LB 515	Monday, March 6, 1989	1:30 p.m.
LB 742	Monday, March 6, 1989	1:30 p.m.
LB 59	Tuesday, March 7, 1989	1:30 p.m.
LB 347	Tuesday, March 7, 1989	1:30 p.m.
LB 495	Tuesday, March 7, 1989	1:30 p.m.
LB 501	Tuesday, March 7, 1989	1:30 p.m.
LB 649	Tuesday, March 7, 1989	1:30 p.m.

(Signed) Howard Lamb, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 177A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 177, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 261A. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 261, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 277A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 284A. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 312A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 312, Ninety-first Legislature, First Session, 1989.

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 26, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Anderson, Robert L. - Lincoln	Anderson Management Services, Inc. Nebraska Fertilizer & Ag-Chemical Institute, Inc. Nebraska Chapter of National Association of Social Workers
Cavanaugh, James P. - Omaha	Kelley, Kelley & Lehan
Clayburn, Neal - Lincoln	Nebraska State Education Association
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Central Nebraska Public Power & Irrigation District
Cutshall, Bruce A. - Lincoln	US Sprint
Davenport, Gerald Dean - Cozad	American Association of Retired Persons
Eberle, Don - Denver, CO	MCI Telecommunications Corporation
Garey, Gail - Denver, CO	MCI Telecommunications Corporation
Hall, Larry M. - Lincoln	Nebraska Farmers Union
Hanson, Ann M. - Lincoln	Hanson, James A.
Jordison, Maureen O. - Omaha	Junior League of Omaha
Kunz, David N. - Lincoln	Nebraska Optometric Association Nebraska State Association of Life Underwriters
Licht, Alice L. - Lincoln	Anderson Management Services, Inc. Automotive Service Council of Nebraska Nebraska Auto & Truck Salvage, Inc. Nebraska Autobody Association Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Lombardi, Richard/American Communications Group	

Lombardi, Richard A. - Lincoln	Nebraska Academy of Physician Assistants
MacDowell, L. J. - Lincoln	American Association of Retired Persons
Niemann, Nicholas K. - Omaha	ConAgra, Inc.
Noren, Charles F. - Lincoln	Hauptman, Joe d/b/a Hauptman Sales
	Tenopir, Ken
Norris, Cathy J. - Denver, CO	Motor Vehicle Manufacturers Association of the U.S., Inc.
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Omahans for Common Sense Planning
Pappas, James E. - Lincoln	United States Tobacco Company
Radcliffe, Walter/Tews & Radcaliffe	
Radcliffe, Walter H. - Lincoln	FIRST CHICAGO, The First Nat'l Bank of Chicago
	The Council for Solid Waste Solution
	The Tobacco Institute
Reed, Jay B. - Denver, CO	MCI Telecommunications Corporation
Remmers, R. Wiley - Lincoln	FIRST CHICAGO, The First Nat'l Bank of Chicago
Ryan, James E./James E. Ryan, P.C. - Lincoln	Adams, Donald D.
Shultz, Jack L. - Lincoln	Motorcycle Industry Council, Inc.
Simon, Ray - Omaha	American Association of University Professors-UNO
Strauss, Peter - Schaumburg, IL	Alliance of American Insurers
Vrana, Verlon K. Tony - Seward	Association of Nebraska Schools
Williamson, Lyle - Denver, CO	MCI Telecommunications Corporation
Wilson, Karen J. - Omaha	PRIDE, OMAHA Inc.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendments to LB 166:
AM0100

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Standing Committee amendments, AM0055, found in the Journal on page 441 for the Fourteenth Day, were considered.

Mr. Korshoj offered the following amendment to the Standing Committee amendments:
FA10
1. On page 2, line 15, add a new paragraph:
"Failure to post a sign shall not be cause for disciplinary action, reprimand, cancellation, suspension or revocation of any retail license."

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Korshoj withdrew his pending amendment.

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 Standing Committee amendments were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Robak moved to indefinitely postpone LB 70.

Mr. McFarland 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 25 ayes, 0 nays, and 24 not voting.

The Robak motion to indefinitely postpone lost with 4 ayes, 26 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 353. Placed on General File.

LEGISLATIVE BILL 48. Placed on General File as amended.
Standing Committee amendment to LB 48:
AM0040

1. On page 2, in lines 2, 3, and 5, after "of" insert "smokeless"; and in line 14 strike both occurrences of "and" and insert "or".

LEGISLATIVE BILL 231. Placed on General File as amended.
Standing Committee amendments to LB 231:
AM0084

1. On page 2, strike the new matter in lines 23 through 25.

2. On page 3, line 1, after "child" insert ", except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided," and strike "and," and show as stricken; in line 2 after "father" insert "and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles,"; in line 3 after the period insert "The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator."; in line 5 after "record" insert an underscored period and strike "and a copy of the", show as stricken, and insert "After the entry of a decree of adoption, the court shall retain a copy and forward the original"; in line 6 strike beginning with "shall" through "court" and show as stricken; and in line 7 after "Statistics" insert an underscored period and strike "of the Department of Health." and show as stricken.

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendments to LB 273:
AM0082

1. On page 2, lines 11 and 12, strike the new matter and insert "certified physician assistant,".

2. Strike original section 2 and insert the

following new sections:

"Section 1. That section 71-5102, Revised Statutes Supplement, 1988, be amended to read as follows:

71-5102. ~~As used in~~ For purposes of sections 60-337 and 71-5101 to 71-5123 and section 3 of this act, unless the context otherwise requires:

(1) Ambulance or rescue service unit shall mean any privately or publicly owned motor vehicle that is especially designed, constructed or modified, and equipped and is intended to be used for and is maintained or operated for the overland transportation of patients upon the streets, roads, highways, or public ways in this state, including funeral coaches or hearses, or any other motor vehicles used for such purposes, but shall not include or mean any motor vehicle owned or operated under the direct control of an agency of the United States Government;

(2) Ambulance attendant shall mean an individual trained or qualified to provide for, or any other individual who provides for, the care of patients while such patients are being transported in an ambulance;

(3) Automatic defibrillator shall mean a monitor or device capable of rhythm analysis which will charge and deliver a shock after electronically detecting the presence of ventricular fibrillation or rapid ventricular tachycardia;

(4) Basic life support shall mean those acts ordinarily performed after training by emergency medical technicians not specifically preempted and separately licensed under the Emergency Medical Technician-Paramedic Act;

(5) Board shall mean the Board of Ambulance Advisors;

(6) Certified ambulance attendant shall mean any individual fulfilling the requirements of section 71-5109 and shall include an emergency medical technician-ambulance meeting such requirements regardless of whether such emergency medical technician-ambulance is a member of a transporting ambulance service or rescue service;

(7) Department shall mean the Department of Health;

(8) Emergency medical technician-A shall mean a prehospital emergency care provider trained and certified to that level of basic life support prescribed in subsection (2) of section 71-5109 and for such other skills as determined by the department;

(9) Emergency medical technician A/D shall mean an emergency medical technician-A who has been additionally trained, tested, and certified in the use and operation of automatic or semiautomatic defibrillators pursuant to department rules and regulations;

(10) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or incapacitated;

(11) Person shall mean an individual, firm, partnership, corporation, company, association, joint-stock company or association, political subdivision, governmental agency, or other legal entity and shall include any trustee, receiver, assignee, or other legal representative thereof but shall not include any agency of the United States Government; and

(12) Semiautomatic defibrillator shall mean a monitor or device which is capable of electronically detecting a ventricular fibrillation and rapid ventricular tachycardia but requires user interaction in order to deliver a shock.

Sec. 3. For purposes of section 71-5108, a certified physician assistant as defined in section 71-1,107.16 may satisfy the requirement of a licensed physician supervising the transportation of a patient.

Sec. 4. That section 71-5111, Revised Statutes Supplement, 1988, be amended to read as follows:

71-5111. No certified ambulance attendant, emergency medical technician-A, emergency medical technician-A/D, certified physician assistant, registered nurse, or licensed practical nurse who provides public emergency care, ambulance service, or rescue service shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such service. Nothing in this section shall be deemed to grant any such immunity for liability arising out of the operation

of any motor vehicle, aircraft, or boat or while such person was impaired by alcoholic liquor or any controlled substance enumerated in section 28-405, in connection with such service, nor shall immunity apply to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.

Sec. 5. That original sections 71-5102, 71-5108, and 71-5111, Revised Statutes Supplement, 1988, are repealed.".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendment to LB 366:
AM0083

1. On page 2, strike beginning with "from" in line 12 through "illness" in line 13, show the old matter as stricken, and insert "of mental or physical disabilities".

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 379	Monday, February 6, 1989	1:30 p.m.
LB 618	Monday, February 6, 1989	1:30 p.m.
LB 192	Monday, February 6, 1989	1:30 p.m.
LB 567	Tuesday, February 7, 1989	1:30 p.m.
LB 680	Tuesday, February 7, 1989	1:30 p.m.
East Chamber		
LB 89	Tuesday, February 7, 1989	7:30 p.m.
LB 144	Monday, February 13, 1989	1:30 p.m.
LB 386	Monday, February 13, 1989	1:30 p.m.
LB 392	Monday, February 13, 1989	1:30 p.m.
LB 393	Monday, February 13, 1989	1:30 p.m.
LB 143	Tuesday, February 14, 1989	1:30 p.m.
LB 395	Tuesday, February 14, 1989	1:30 p.m.

LB 590	Tuesday, February 14, 1989	1:30 p.m.
LB 651	Tuesday, February 14, 1989	1:30 p.m.
LB 531	Tuesday, February 21, 1989	1:30 p.m.
LB 160	Tuesday, February 21, 1989	1:30 p.m.
LB 247	Tuesday, February 21, 1989	1:30 p.m.
LB 760	Tuesday, February 21, 1989	1:30 p.m.
LB 226	Monday, February 27, 1989	1:30 p.m.
LB 438	Monday, February 27, 1989	1:30 p.m.
LB 694	Monday, February 27, 1989	1:30 p.m.
LB 447	Monday, February 27, 1989	1:30 p.m.
LB 562	Monday, February 6, 1989	1:30 p.m.
East Chamber		
LB 370	Tuesday, February 28, 1989	1:30 p.m.
East Chamber		
LB 259	Tuesday, February 28, 1989	1:30 p.m.
East Chamber		
LB 274	Tuesday, February 28, 1989	1:30 p.m.
LB 738	Monday, March 6, 1989	1:30 p.m.
LB 174	Monday, March 6, 1989	1:30 p.m.
LB 575	Monday, March 6, 1989	1:30 p.m.
LB 543	Monday, March 6, 1989	1:30 p.m.
LB 741	Tuesday, March 7, 1989	1:30 p.m.
LB 740	Tuesday, March 7, 1989	1:30 p.m.
LB 521	Tuesday, March 7, 1989	1:30 p.m.
LB 514	Tuesday, March 7, 1989	1:30 p.m.
LB 486	Monday, March 13, 1989	1:30 p.m.
LB 487	Monday, March 13, 1989	1:30 p.m.
LB 488	Monday, March 13, 1989	1:30 p.m.
LB 734	Tuesday, March 14, 1989	1:30 p.m.
LB 427	Tuesday, March 14, 1989	1:30 p.m.
LB 228	Tuesday, March 14, 1989	1:30 p.m.

(Signed) Ron Withem, Chairperson

Agriculture

LB 582	Tuesday, February 7, 1989	1:30 p.m.
LB 54	Tuesday, February 7, 1989	1:30 p.m.
LB 548	Tuesday, February 7, 1989	1:30 p.m.
LB 718	Tuesday, February 14, 1989	1:30 p.m.
LB 162	Tuesday, February 14, 1989	1:30 p.m.
LB 574	Tuesday, February 14, 1989	1:30 p.m.
LB 381	Tuesday, February 21, 1989	1:30 p.m.
LB 589	Tuesday, February 21, 1989	1:30 p.m.
LB 615	Tuesday, February 21, 1989	1:30 p.m.
LR 14CA	Tuesday, February 21, 1989	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Health and Human Services

LB 678	Wednesday, February 15, 1989	1:30 p.m.
LB 456	Wednesday, February 15, 1989	1:30 p.m.
LB 462	Wednesday, February 15, 1989	1:30 p.m.
LB 569	Thursday, February 16, 1989	1:30 p.m.
LB 726	Thursday, February 16, 1989	1:30 p.m.
LB 323	Thursday, February 16, 1989	1:30 p.m.
LB 491	Thursday, February 16, 1989	1:30 p.m.
LB 530	Thursday, February 16, 1989	1:30 p.m.
LB 662	Wednesday, February 22, 1989	1:30 p.m.
LB 664	Wednesday, February 22, 1989	1:30 p.m.
LB 665	Wednesday, February 22, 1989	1:30 p.m.
LB 724	Thursday, February 23, 1989	1:30 p.m.
LB 439	Thursday, February 23, 1989	1:30 p.m.
LB 429	Thursday, February 23, 1989	1:30 p.m.
LB 745	Thursday, February 23, 1989	1:30 p.m.

(Signed) Don Wesely, Chairperson

MOTION - Reconsider Action on LB 298

Mr. Moore and Ms. Schimek moved to reconsider the adoption of the Haberman amendment to LB 298.

Laid over.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name withdrawn as co-introducer to LB 415. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 70. Mr. Hall offered the following amendment:
FA11
add the following new sections
1. The provisions of Section 2 shall terminate on January 1, 1991.
2. Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner 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:
FA12
add the following new section
1. The provisions of Section 2 shall terminate on January 1, 1991.

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 Hall amendment, FA12, lost with 11 ayes, 21 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Hall withdrew his remaining amendment.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 648	Friday, February 24, 1989	1:30 p.m.
LB 425	Friday, February 24, 1989	1:30 p.m.
LB 551	Friday, February 24, 1989	1:30 p.m.
LB 376	Friday, February 24, 1989	1:30 p.m.
LB 510	Wednesday, March 1, 1989	1:30 p.m.
LB 614	Wednesday, March 1, 1989	1:30 p.m.
LB 573	Wednesday, March 1, 1989	1:30 p.m.
LB 537	Wednesday, March 1, 1989	1:30 p.m.
LB 689	Thursday, March 2, 1989	1:30 p.m.
LB 757	Thursday, March 2, 1989	1:30 p.m.
LB 300	Friday, March 3, 1989	1:30 p.m.
LB 269	Friday, March 3, 1989	1:30 p.m.
LB 595	Friday, March 3, 1989	1:30 p.m.
LB 348	Wednesday, March 8, 1989	1:30 p.m.
LB 798	Wednesday, March 8, 1989	1:30 p.m.
LB 539	Wednesday, March 8, 1989	1:30 p.m.
LB 519	Wednesday, March 8, 1989	1:30 p.m.
LB 646	Wednesday, March 8, 1989	1:30 p.m.
LB 753	Thursday, March 9, 1989	1:30 p.m.
LB 754	Thursday, March 9, 1989	1:30 p.m.
LB 374	Thursday, March 9, 1989	1:30 p.m.
LB 472	Thursday, March 9, 1989	1:30 p.m.
LB 422	Thursday, March 2, 1989	1:30 p.m.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Mayor Justus J. Dobesh from Kearney; Barbara and Kim Dutiel from Omaha and Joy Sanderson from Tune, Denmark; and a group of cub scouts from Omaha.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Monday, January 30, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 30, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 30, 1989

Pursuant to adjournment, the Legislature met at 9:08 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Louie DeGrazia, Vine Congregational, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Peterson and Schmit who were excused; and Messrs. Ashford, Baack, Bernard-Stevens, Conway, Haberman, Hall, R. Johnson, Korshoj, Lindsay, Lynch, Morrissey, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 70. Placed on Select File as amended.
E & R amendments to LB 70:
AM5024

1. On page 1, line 7, strike "fees" and insert "a fee".
2. On page 2, line 18, strike "or" and insert

"and".

3. On page 3, line 16, strike "section" and insert "sections".

Correctly Engrossed

The following bills were correctly engrossed: 97, 126, 229, 230, 233, and 255.

(Signed) John C. Lindsay, 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 1988 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Papio	
Gast & Peters, Attorneys	44,728.67
Raymond B. Simon, Lobbyist	6,500.00
Richard A. Lombardi, Lobbyist	6,500.00

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 182	Thursday, February, 23, 1989	1:30 p.m.
LB 455	Thursday, February, 23, 1989	1:30 p.m.
LB 478	Thursday, February, 23, 1989	1:30 p.m.
LB 484	Thursday, February, 23, 1989	1:30 p.m.
LB 555	Thursday, February, 23, 1989	1:30 p.m.
LB 603	Thursday, February, 23, 1989	1:30 p.m.
LB 331	Thursday, February, 23, 1989	1:30 p.m.
LB 721	Thursday, February, 23, 1989	1:30 p.m.
LB 215	Friday, February 24, 1989	1:30 p.m.
LB 769	Friday, February 24, 1989	1:30 p.m.
LB 345	Wednesday, March 1, 1989	1:30 p.m.
LB 552	Wednesday, March 1, 1989	1:30 p.m.
LB 553	Wednesday, March 1, 1989	1:30 p.m.
LB 554	Wednesday, March 1, 1989	1:30 p.m.
LB 650	Wednesday, March 1, 1989	1:30 p.m.

LB 219	Thursday, March 2, 1989	1:30 p.m.
LB 243	Thursday, March 2, 1989	1:30 p.m.
LB 465	Thursday, March 2, 1989	1:30 p.m.
LB 561	Thursday, March 2, 1989	1:30 p.m.
LB 111	Friday, March 3, 1989	1:30 p.m.
LB 377	Friday, March 3, 1989	1:30 p.m.
LB 475	Friday, March 3, 1989	1:30 p.m.
LB 463	Friday, March 3, 1989	1:30 p.m.
LB 479	Wednesday, March 8, 1989	1:30 p.m.
LB 658	Wednesday, March 8, 1989	1:30 p.m.
LB 668	Wednesday, March 8, 1989	1:30 p.m.
LB 669	Wednesday, March 8, 1989	1:30 p.m.
LB 676	Wednesday, March 8, 1989	1:30 p.m.
LB 685	Wednesday, March 8, 1989	1:30 p.m.
LB 673	Thursday, March 9, 1989	1:30 p.m.
LB 642	Thursday, March 9, 1989	1:30 p.m.
LB 627	Wednesday, March 15, 1989	1:30 p.m.
LB 368	Wednesday, March 15, 1989	1:30 p.m.
LB 396	Wednesday, March 15, 1989	1:30 p.m.
LB 512	Wednesday, March 15, 1989	1:30 p.m.
LB 526	Wednesday, March 15, 1989	1:30 p.m.
LB 547	Wednesday, March 15, 1989	1:30 p.m.
LB 594	Wednesday, March 15, 1989	1:30 p.m.
LB 712	Wednesday, March 15, 1989	1:30 p.m.
LB 102	Thursday, March 16, 1989	1:30 p.m.
LB 108	Thursday, March 16, 1989	1:30 p.m.
LB 211	Thursday, March 16, 1989	1:30 p.m.
LB 674	Thursday, March 16, 1989	1:30 p.m.
LB 699	Thursday, March 16, 1989	1:30 p.m.
LB 808	Thursday, March 16, 1989	1:30 p.m.
LB 248	Friday, March 17, 1989	1:30 p.m.
LB 420	Friday, March 17, 1989	1:30 p.m.
LB 579	Friday, March 17, 1989	1:30 p.m.
LB 802	Friday, March 17, 1989	1:30 p.m.
LB 806	Friday, March 17, 1989	1:30 p.m.
LB 626	Friday, March 17, 1989	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendment, AM0056, found in the Journal on page 442 for the Fourteenth 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 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 279. 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 296. 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 321. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 322. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 94, 133, 134, 251, 277, and 295.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 134

The following changes, required to be reported for publication in the Journal, have been made:
ER6106
1. On page 1, line 1, "establish" has been struck and "state intent concerning" inserted.
2. On page 2, line 1, "(1)" has been struck.

Enrollment and Review Changes to LB 295

The following changes, required to be reported for publication in the Journal, have been made:
ER6107
1. On page 6, line 1, "which" has been inserted after "for".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 165. Title read. Considered.

Standing Committee amendment, AM0046, found in the Journal on page 445 for the Fourteenth Day, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 177. Title read. Considered.

Standing Committee amendments, AM0058, found in the Journal on page 445 for the Fourteenth Day, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Moore moved to indefinitely postpone LB 177.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Ashford 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. Moore requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 11:

Abboud	Hannibal	Kristensen	Langford	Pirsch
Crosby	Johnson, L.	Lamb	Moore	Warner
Hall				

Voting in the negative, 25:

Baack	Chizek	Hefner	Lindsay	Schimek
Barrett	Conway	Johnson, R.	McFarland	Scofield
Bernard-Stevens	Coordsen	Korshoj	Morrissey	Weihing
Beyer	Dierks	Labedz	Rogers	Wesely
Byars	Elmer	Landis	Schellpeper	Withem

Present and not voting, 9:

Ashford	Goodrich	Hartnett	Robak	Wehrbein
Chambers	Haberman	Nelson	Smith	

Excused and not voting, 4:

Beck	Lynch	Peterson	Schmit

The Moore motion to indefinitely postpone lost with 11 ayes, 25 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
FA13
to amend LB 177 to strike Sec 4, and in Sec. 33 strike beginning with line 23 the word "In" and line 24, 25, and 26 and insert "The Protocal Officer may select such individuals as appropriate to provide guidance to the Protocal Office."

The Warner 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:
FA14
1. Add a new section: "This act shall be repealed July 1, 1993."

Mr. Abboud 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 25 ayes, 0 nays, and 24 not voting.

The Hefner amendment lost with 15 ayes, 20 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Hefner 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 25 ayes, 0 nays, and 24 not voting.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Chambers	Johnson, R.	McFarland	Schellpeper
Baack	Chizek	Korshoj	Morrissey	Schimek
Barrett	Conway	Labedz	Nelson	Weihing
Bernard-Stevens	Coordsen	Landis	Robak	Wesely
Beyer	Dierks	Lindsay	Rogers	Withem
	Hartnett	Lynch		

Voting in the negative, 16:

Abboud	Haberman	Kristensen	Moore	Smith
Beck	Hannibal	Lamb	Pirsch	Warner
Byars	Johnson, L.	Langford	Scofield	Wehrbein
Crosby				

Present and not voting, 1:

Elmer

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Hall Hefner Peterson Schmit

Advanced to E & R for Review with 27 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Rogers and Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 371	Monday, February 6, 1989	1:30 p.m.
LB 703	Monday, February 6, 1989	1:30 p.m.
LB 704	Monday, February 6, 1989	1:30 p.m.
LB 777	Monday, February 6, 1989	1:30 p.m.
LB 780	Monday, February 6, 1989	1:30 p.m.
LB 686	Monday, February 13, 1989	1:30 p.m.
LB 768	Monday, February 13, 1989	1:30 p.m.
LB 778	Monday, February 13, 1989	1:30 p.m.
LB 781	Monday, February 13, 1989	1:30 p.m.
LB 507	Monday, February 27, 1989	1:30 p.m.
LB 568	Monday, February 27, 1989	1:30 p.m.
LB 766	Monday, February 27, 1989	1:30 p.m.
LB 767	Monday, February 27, 1989	1:30 p.m.
LB 477	Monday, March 6, 1989	1:30 p.m.
LB 572	Monday, March 6, 1989	1:30 p.m.
LB 660	Monday, March 6, 1989	1:30 p.m.
LB 765	Monday, March 6, 1989	1:30 p.m.

LB 591	Monday, March 13, 1989	1:30 p.m.
LB 641	Monday, March 13, 1989	1:30 p.m.
LB 736	Monday, March 13, 1989	1:30 p.m.
LB 751	Monday, March 13, 1989	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 56. Placed on General File.
LEGISLATIVE BILL 127. Placed on General File.
LEGISLATIVE BILL 167. Placed on General File.
LEGISLATIVE BILL 184. Placed on General File.
LEGISLATIVE BILL 185. Placed on General File.

LEGISLATIVE BILL 90. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Health and Human Services

LEGISLATIVE BILL 342. Placed on General File as amended.
Standing Committee amendments to LB 342:
AM0106

1. On page 6, line 13, strike "and"; and in line 14 strike "surgery".
2. On page 7, line 22, strike "as an"; and in line 23 strike "physician" and insert "medicine".
3. On page 9, line 4, strike "and surgery".
4. On page 44, line 16, after "with" insert "a licensed physician or"; and in line 17 strike "or doctor of medicine".

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:
AM0110

1. Strike original section 14.
2. On page 33, line 25, strike "one" and insert "two" and strike "an operator" and insert "operators".
3. On page 34, line 1, strike "possesses" and insert "possess"; in line 3 strike the comma and insert ". One such operator shall represent a system serving a

population of five thousand or less, and one such operator shall represent a system serving a population of more than five thousand, and"; strike beginning with the comma in line 12 through "subsection" in line 14; and in line 22 strike ", (e), and (f)" and insert "and (e)".

4. On page 36, line 18, strike "to" and insert a comma.

5. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Natural Resources

LEGISLATIVE BILL 195. Placed on General File as amended.
Standing Committee amendment to LB 195:
AM0125

1. On page 2, line 24; page, 3, lines 13, 18, and 25; page 4, lines 13 and 24; page 5, lines 6 and 12; page 6, lines 9 and 16; page 8, lines 2 and 5; page 9, line 19; and page 10, line 5, after "motorboat" insert "or sailboat".

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 48 in the Journal. No objections. So ordered.

AM0127

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors. The Legislature further finds that additional restrictions are necessary to discourage the consumption of smokeless tobacco products by minors. It is the intent of the Legislature to place restrictions on the distribution of smokeless tobacco

products. It is the further intent of the Legislature to regulate the distribution of smokeless tobacco products.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Distribute shall mean to give smokeless tobacco products to the general public at no cost or at nominal cost or to give coupons or rebate offers with the products; and

(2) Smokeless tobacco product shall mean (a) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (b) a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

Sec. 3. (1) Manufacturers, wholesalers, or retailers or their representatives shall not make as part of an advertising plan or program promotional offers of smokeless tobacco products which require proof of purchase of a smokeless tobacco product unless it carries a designation that the offer is not available to minors. Each promotional offer shall include on any mail-in coupon a statement requesting the purchaser to verify that the purchaser is eighteen years of age or older.

(2) Manufacturers, wholesalers, or retailers or their representatives shall not honor mail-in and telephone requests for promotional offers of smokeless tobacco products unless appropriate efforts are made to ascertain that the purchaser is eighteen years of age or older. For purposes of this subsection, appropriate efforts to ascertain the age of a purchaser shall include, but not be limited to, a request for the purchaser's birthdate.

(3) Manufacturers, wholesalers, or retailers or their representatives shall not by any means as part of an advertising plan or program distribute samples of smokeless tobacco products within a two-block radius of any premises or facilities the primary purpose of which is directed toward persons under eighteen years of age, including, but not limited to, schools, clubhouses, and youth centers.

(4) Manufacturers, wholesalers, or retailers or their representatives shall not distribute as part of

any advertising plan or program unsolicited samples of smokeless tobacco products through a mail campaign.

Sec. 4. (1) The Attorney General shall apply for an injunction in the district court of the county in which any violation of section 3 of this act occurs to enjoin a person from engaging in any practice which violates such section. Notice shall be given by certified mail to the person at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 3 of this act. A civil penalty shall be imposed on such person in an amount of five hundred dollars for the first offense and in an amount of not less than six hundred dollars nor more than three thousand dollars for a second or subsequent offense. Each distribution of a single package in violation of such section to an individual shall be considered a separate violation.

Sec. 5. No county, city, or village shall adopt any ordinance or regulation inconsistent with sections 1 to 4 of this act or sections 28-1418 and 28-1419.

Sec. 6. That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a minor~~ Any person under ~~the age of~~ eighteen years of age, ~~shall smoke~~ who purchases, possesses, or smokes cigarettes or cigars~~, or use~~ or who purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. Any minor ~~so~~ charged with the violation of this section may be free from prosecution when he or she furnishes ~~shall have furnished~~ evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

Sec. 7. That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way~~,~~ any tobacco in any form whatever~~,~~ or any cigarettes~~,~~ or cigarette paper~~,~~ to any minor under eighteen years of age~~,~~ shall be guilty of a Class III misdemeanor for each

offense.

Sec. 8. That original sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

GENERAL FILE

LEGISLATIVE BILL 221. Title read. Considered.

Standing Committee amendment, AM0072, found in the Journal on page 446 for the Fourteenth Day, was considered.

Messrs. Haberman and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee 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 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 198. Placed on General File.
LEGISLATIVE BILL 209. Placed on General File.
LEGISLATIVE BILL 459. Placed on General File.

LEGISLATIVE BILL 458. Placed on General File as amended.
Standing Committee amendments to LB 458:
AM0122

1. Insert the following new section:

"Section 1. That section 77-2715, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual and on the income of every nonresident individual and partial-year resident individual which is derived from sources within this state, except that any individual who has no income tax liability under the Internal Revenue Code of 1986 and who has additions to adjusted gross income under section 77-2716 of less than five thousand dollars shall not have an individual

income tax liability under the Nebraska Revenue Act of 1967.

(2) The tax for each resident individual shall be a percentage of such individual's federal adjusted gross income as modified in sections 77-2716 and 77-2716.01, plus a percentage of the federal alternative minimum tax, the federal tax on premature individual retirement account distributions, and the federal tax on lump-sum distributions of pensions. The additional taxes shall be recomputed ~~to take into account any adjustments required by the Nebraska Revenue Act of 1967~~ by (a) substituting Nebraska taxable income for federal taxable income, (b) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (c) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after ~~recomputing the adjustments~~ the recomputations required by the act, shall be allowed as a reduction in the income tax due.

(3) The tax for each nonresident individual and partial-year resident individual shall be the portion of the tax imposed on resident individuals which is attributable to the income derived from sources within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident individual with the same total income by a fraction, the numerator of which is the nonresident individual's or partial-year resident individual's Nebraska adjusted gross income as determined by section 77-2733 or 77-2733.01 and the denominator of which is his or her total federal adjusted gross income, after first adjusting each by the amounts provided in section 77-2716. If this determination attributes more or less tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for or the Tax Commissioner may require the employment of any other method to attribute an amount of tax which is reasonable and equitable in the

circumstances.

(4) A refund shall be allowed to the extent that the income tax paid by the individual for the taxable year exceeds the income tax payable, except that no refund shall be made in any amount less than two dollars.".

2. On page 6, line 19, strike "section" and insert "sections 77-2715 and"; and in line 20 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 63. Indefinitely postponed.
LEGISLATIVE BILL 104. Indefinitely postponed.
LEGISLATIVE BILL 193. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Judiciary

LEGISLATIVE BILL 116. Placed on General File.
LEGISLATIVE BILL 267. Placed on General File.

LEGISLATIVE BILL 208. Placed on General File as amended.
Standing Committee amendment to LB 208:
AM0136

1. On page 3, lines 9 and 10, strike "which is a household pet".

(Signed) Jerry Chizek, Chairperson

Health and Human Services

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendments to LB 187:
AM0107

1. Strike original section 7 and insert the following new section:

"Sec. 7. The scope of medical services to be provided for under section 68-104 shall be:

(1) Emergency inpatient and outpatient medical, surgical, psychiatric, and hospital care; and

(2) Medically necessary inpatient and

outpatient medical, surgical, and hospital services.

The scope of medical services to be provided for under section 68-104 may include primary medical and related health care services, including, but not limited to, immunizations, prescription medications, examinations, and treatment provided in, by, or through an office, clinic, center, or other facility which is approved by or under contract with the department, if the absence of such care will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long-term care facility. Such medical services shall be provided by a provider approved under the medical assistance program provided for in sections 68-1018 to 68-1025. Reimbursement for any medical, surgical, or hospital care for performing an abortion shall be limited to those medical, surgical, or hospital care expenses which are necessary to prevent the death of the mother. The medical services provided shall be those that meet the medicaid standards described in Title 471 of the Nebraska Administrative Code.".

2. On page 3, line 22, after the second comma insert "psychiatric,".

3. On page 4, strike lines 6 through 10 and insert "such medical, surgical, psychiatric, and hospital services as described in section 7 of this act. Such rates shall be set pursuant to section 68-126 unless the department arranges or contracts for"; in lines 11 and 25 after the second comma insert "psychiatric,"; and strike line 16 and insert "such services.".

4. On page 5, line 1, after "persons" insert "who are not eligible for any other medical assistance program,"; and strike lines 5 through 8 and insert "1988, and whose assets do not exceed such standards for resources as set by the department. The".

5. On page 11, line 14, strike "emergency" and after the second comma insert "psychiatric,".

6. On page 12, line 13, strike "such"; strike line 14 and insert "claims received during the quarter for eligible recipients. The allocation"; strike line 18 and insert "submitting claims"; and in line 21 after the period insert "For purposes of the payments required by this section, sections 81-2403 and 81-2404 shall not

apply.".

LEGISLATIVE BILL 338. Placed on General File.

LEGISLATIVE BILL 378. Placed on General File as amended.
Standing Committee amendments to LB 378:
AM0121

1. On page 2, line 13, after the period insert "The department may establish a fee schedule for services provided in connection with this section."; in line 16 strike "manpower"; in line 20 strike "nine" and insert "twelve"; in line 23 after the comma insert "at least one member who is a physician,"; and in line 25 after the comma insert "one member who is an optometrist, one member who is a physician assistant,".
2. On page 3, line 8, after the period insert "The committee shall terminate on December 31, 1994.".

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 332	Wednesday, February 8, 1989	1:30 p.m.
LB 504	Wednesday, February 8, 1989	1:30 p.m.
LB 717	Wednesday, February 8, 1989	1:30 p.m.
LB 801	Wednesday, February 8, 1989	1:30 p.m.
LB 497	Wednesday, February 8, 1989	1:30 p.m.
LB 643	Wednesday, February 8, 1989	1:30 p.m.
LB 729	Thursday, February 9, 1989	1:30 p.m.
LB 728	Thursday, February 9, 1989	1:30 p.m.
LB 570	Thursday, February 9, 1989	1:30 p.m.
LB 714	Thursday, February 9, 1989	1:30 p.m.
LB 390	Friday, February 10, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 70. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0133

1. Strike the original sections and insert the following new sections:

"Section 1. That section 16-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-117. (1) The corporate limits of a city of the first class shall remain as before, and the mayor and council may by ordinance, except as provided in sections 13-1111 to 13-1118~~, and amendments thereto~~ and subject to subsections (4) through (7) of this section, at any time, include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

(2) The invalidity of the annexation of any tract of land in one ordinance shall not affect the validity of the remaining tracts of land which are annexed by the ordinance and which otherwise conform to state law.

(3) Any owner of land annexed by a city pursuant to this section may, within thirty days following the publication of the ordinance annexing the land, maintain an action in the district court of the county in which the land is located challenging the authority of the city to annex the land and the regularity of any proceedings held.

(4) The city council desiring to annex land under the authority of this section shall first adopt a resolution stating that the city is considering the annexation of the land. The resolution shall state:

(a) The time, date, and location of the public hearing required by subsection (5) of this section;

(b) A description of the boundaries of the land to be annexed; and

(c) That the plan of the city for the extension of services to the area proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

(5) A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

(6) A copy of the resolution providing for the public hearing shall be published in the official newspaper in the city not less than ten days preceding the date of the public hearing. A sketch delineating the area proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the area proposed for annexation.

(7) No resolution, notice, or public hearing required under this section shall be required as a prerequisite to annexation of land owned by the city, land held in trust for the city or an agency of the city, or land all of the owners of which petition for the annexation or consent to the annexation in writing.

Sec. 2. That section 16-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-120. The inhabitants of territories annexed to such city shall receive substantially the ~~benefits~~ services of other inhabitants of such city as soon as practicable. Adequate ~~, and adequate~~ plans and necessary city council action to furnish such ~~benefits as police, fire, snow removal, and water service must~~ services shall be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such city, except that the ~~; PROVIDED, that such~~ one-year period shall be tolled pending final court decision in any court action to contest such annexation.

Sec. 3. That original sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

MOTIONS - Election Contest

Messrs. Warner, Chambers, Goodrich, Schmit, and Mrs. Labedz moved that the Legislature, in accord with the findings and recommendations contained in the Report of the Credentials Committee on the Contest of Election of Gerald Conway, which Report is printed in the Legislative Journal for the seventeenth legislative day, dismiss the contest of Election and seat Gerald R. Conway as a member of the Ninety-First Legislature representing the 17th Legislative district.

Laid over.

Messrs. Warner, Chambers, Goodrich, Schmit, and Mrs. Labedz moved that a complete record of the proceedings of the Contest of Election for the member of the Legislature from the 17th legislative district be compiled. The record shall include: the official transcripts of all hearings held by the Credentials Committee appointed to consider such contest; all documents, materials, testimony and depositions requested or received by the Committee or the Clerk of the Legislature in the course of the proceedings; all motions proposed or adopted by the committee or the Legislature in the course of their proceedings and the action taken on each such motion; and the final Report of the Credentials Committee. When compiled as set forth above it shall be filed with the records of the Legislature in the office of the Clerk of the Legislature.

Laid over.

REPORT OF THE CREDENTIALS COMMITTEE

BEFORE THE NEBRASKA LEGISLATURE

In Re:	)	
Contest of Election	)	REPORT
of	)	of the
Gerald Conway	)	Credentials Committee

Tore Nelson, Contester

Gerald Conway, Contestee

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FACTS

Gerald A. Conway was elected to the Nebraska Legislature on November 8, 1988, winning a majority of the votes cast, and received a certificate of election pursuant to action of the State Canvassing Board. On December 16, 1988, he received a notice of contest of election from Tore Nelson, his opponent in the election; on December 19, 1988, he received a corrected version of this letter. The contest was based on the assertion that Sen. Conway's employment as a faculty member at Wayne State College disqualified him from serving in the Legislature pursuant to several provisions of the Nebraska Constitution. Depositions were taken from both parties on December 30, 1988.

Sen. Conway was certified as elected by the Secretary of State. On January 4, 1989, the Legislature accepted the report of the Credentials Committee taking notice of section 32-1001.22, R.S.S. of Neb. 1943, which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided.

On January 10, 1989, the Legislature adopted a motion appointing the Committee on Credentials to consider the election contest, directing it to report to the Legislature within 15 calendar days. The committee met on January 11, 1989, and reviewed the depositions which had been taken by the parties. The committee determined that there were no significant disputes regarding the facts. Rather, the

contest raised essentially legal questions of interpretation of the Nebraska Constitution, resulting in a request by the committee to have each party submit briefs to the committee; Mr. Nelson by January 19, 1989, and Sen. Conway a response by January 24, 1989. Both briefs were timely submitted. On January 24, 1989, the Legislature adopted a motion granting the committee an extension until January 30,1989, to fully consider the briefs before issuing its report.

The committee has duly and fully considered the contest of election, including the briefs submitted by the parties, and now files the following Report to the Legislature on the election contest for the 17th legislative district. The committee would like to here note that the briefs submitted by both parties were prompt, professional, thorough, and well-researched in presenting to the committee a discussion on the constitutional issues involved.

FINDINGS

The committee makes the following findings:

1. The contestee, Gerald Conway, meets the eligibility requirements for a member of the Legislature as prescribed in Article III, section 8, of the Nebraska Constitution and has received the majority of votes cast at an election for the office of a member of this Legislature representing the 17th legislative district pursuant to the election laws of this state.

2. The Legislature has the sole and exclusive authority pursuant to Article III, Section 10, to decide whether a person elected to the Legislature may be seated as a member thereof.

3. The Legislature has enacted statutes providing a procedure and basis for election contests (sections 32-1001 et seq.). The Legislature and both contestants should comply with these statutes.

4. The contester, Tore Nelson, has met the jurisdictional requirements of sections 32-1001 et seq., including posting of bond and the giving of timely notice to the contestee, Gerald Conway.

5. The Legislature has jurisdiction under Chapter 32 to consider only the eligibility of the contestee, and that only one of the four grounds for challenge offered by the contester--that ground being Article III, section 9 of the Nebraska Constitution--relates to

eligibility; that section provides that "No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature."

6. Although there is some authority to the contrary, the committee finds stronger arguments to support the proposition that employment as a faculty member at Wayne State College does not render Senator Conway ineligible to run for and have a seat in the Legislature as provided in Article III, section 9.

THEREFORE, the committee recommends that the election contest for the 17th legislative district be denied on the Article III, section 9 ground of contest and dismissed for lack of jurisdiction on the Article II, section 1, Article III, section 7, and Article III, section 16 grounds of contest.

RATIONALE

I. SENATOR CONWAY HAS MET THE ELIGIBILITY REQUIREMENTS OF ARTICLE III, SECTION 8, OF THE NEBRASKA CONSTITUTION.

As a preliminary matter, the committee finds that there is no dispute that Senator Conway is a registered voter, is at least 21 years of age, and resides within the 17th legislative district, thus meeting all the eligibility requirements for membership in the Legislature as set out in Article III, section 8. He, in fact, received the majority of the votes cast at the election held for the seat from the 17th district for the Ninety-First Legislature pursuant to and in compliance with any and all election laws of the state. In addition, the State Canvassing Board certified that Senator Conway received the most votes and, as a result, he was issued a certificate of election.

II. THE LEGISLATURE HAS SOLE AND EXCLUSIVE AUTHORITY TO DECIDE WHETHER A PERSON ELECTED TO THE LEGISLATURE MAY BE SEATED.

Article III, section 10, of the Nebraska Constitution provides that "... the Legislature shall ... be the judge of the election, returns, and qualifications of its members".

It is a well-settled principle that constitutional provisions such as Article III, Section 10, vest in the Legislature the sole and exclusive

authority to seat its members, including the right to determine their constitutional qualifications; and the courts are precluded from intervening in or reviewing the Legislature's decision. (Article V, section 2, of the Nebraska Constitution reflects this position by excluding "election contests involving ... members of the Legislature" from the types of cases over which the Supreme Court has original jurisdiction.) The only exception to this rule is where substantial federally protected rights are involved and that exception does not appear to be applicable in this instance. A recent case discussing this principle is State v. Evans,735 P.2d 29 (Utah 1987), in which the court applied a Utah provision comparable to Nebraska's and declined to exercise jurisdiction over a contest involving seating of a state legislator. The contest was based on a provision comparable to Nebraska's Article III, section 9.

Although there is no such similarly clear and recent enunciation in Nebraska, State ex rel. Norton v. Van Camp, 36 Neb. 91 (1893), was an early affirmation of this rule. A more recent opinion by Lancaster County District Judge Paul W. White (which is included in the 1959 collection of Attorney General's Opinions) expands on this issue in depth, reaching the same conclusion. Clearly, the Legislature is the sole judge of the contest challenging Senator Conway's right to hold a seat in this Legislature.

III. THE LEGISLATURE AND THE CONTESTER AND CONTESTEE SHOULD COMPLY WITH SECTIONS 32-1001 et seq.

The Legislature has statutorily provided for a procedure for reviewing election contests, including contests of elections of its own members, in sections 32-1001 et seq. A letter from the Attorney General to the legislative committee reviewing the 1975 Carpenter-Nichol contest stated that strict compliance with these statutes was a jurisdictional requirement to an election contest.

In accord with that opinion, the Legislature declined to assume jurisdiction and rejected the challenge to Senator Nichol's election when it was shown that the contester, Carpenter, had failed to file a bond as was required by section 32-1001.31.

The application of that precedent to the present case will assure not only the immediate contestants but any future contestants that the Legislature will follow its own publicly established requirements governing election challenges. Compliance with the statutes'

procedural requirements assures the public that the Legislature will carry out its responsibilities in a forthright, predictable, and responsible manner and at the same time accord full due process to both the contester and contestee.

Thus, although it is within the power of the Legislature (without review of its decision by the courts) to ignore these procedural statutes, this committee believes that consideration of precedent, fairness, and adherence to the rules of law dictate that strict compliance with sections 32-1001 et seq. by all parties including the Legislature is appropriate.

IV. JURISDICTION OF THE LEGISLATURE TO HEAR THE CONTEST

A review of sections 32-1001 et seq. indicates that the contester, Nelson, has for the most part complied with these prerequisites for an election contest. However, it appears that the necessary compliance with two statutes may be questioned and thus must be addressed.

A. The contester has complied with notice requirements

The first question centers around whether the contester gave the required notice of the election contest to the contestee within the time limits prescribed in section 32-1001.06. Section 32-1001.06 provides that a person contesting an election must give written notice of the election contest to the person whose election is being contested within 40 days after the election.

Senator Conway received an initial notice on December 16, 1988, the 38th day; he received a "corrected" version on December 19, 1988, the 41st day. The second notice contained a corrected date for taking depositions.

The committee requested the assistance of the Attorney General on this technical question. The Attorney General's view which the committee accepts, is that the notice was timely given. (See attached Attorney General letter dated January 19, 1989.) The committee finds, therefore, that the contester, Nelson, has met all the statutory requirements for an election contest pursuant to sections 32-1001 et seq. .

B. The committee has statutory jurisdiction to review only the ground of challenge based on Article III, section 9.

The second question relates to section 32-1001, which sets out the available grounds for an election contest. Of these, only one--"(2) when the incumbent was not eligible to the office at the time of the election"--would appear to apply in this case.

The contester has based his challenge of the eligibility of Senator Conway on four constitutional provisions--Article II, section 1 (separation of powers); Article III, section 7 (compensation of legislators); Article III, section 9 (holding of another lucrative office); and Article III, section 16 (conflict of interest).

The brief for the contestee, Senator Conway, notes that,

> "The contester's brief states that the issue is whether Senator Conway can serve in the Nebraska Legislature while holding a position as a member of the faculty at Wayne State College. To be more specific, the issue is whether the Nebraska constitutional provisions cited render Senator Conway ineligible (emphasis added) to serve as a member of the Legislature while an assistant professor on the faculty of Wayne State College."

The contestee has properly framed the issue which is to be decided. It is the committee's view that the first sentence of Article III, section 9 which commits to the Legislature the final authority and duty to determine, the eligibility of a person to be seated as a member of the Legislature is the only provision--of the four offered by the contestor--that applies.

A review of the plain language of the four constitutional provisions indicates that only Article III, section 9, refers to eligibility ("no person... shall be eligible to ... a seat in the Legislature"). "Eligible" has been held to refer to the capacity to be elected or chosen to office, State v. Moore , 52 Neb. 770 (1897), "qualified to be chosen, legally qualified for election of appointment", State v. Boyd, 31 Neb. 682 (1888). Eligibility refers to provisions on age, citizenship, residence,

and the holding of other offices (emphasis added). 81 CJS States, sec. 42.

The other three constitutional provisions do not address the eligibility, or capacity, of a person to be elected or to become a legislator but, rather, the positions, conflicts, or compensation a person may or may not have after becoming a legislator.

The judgment of the Legislature, in addressing this challenge based on Senator Conway's eligibility, as provided in Article III, Section 9, to a seat in this Legislature does not of itself foreclose the pursuit in some other appropriate forum of other remedies for the issues raised by the contester.

In conclusion, the committee deems the matters of separation of powers as found in Article II, section 1, pay or perquisites as found in Article III, section 7, and conflicts of interest as found in Article III, section 16, to be outside of the purview of the statutes adopted by the Legislature for hearing election contests based on the eligibility of its members.

V. SENATOR CONWAY IS NOT INELIGIBLE TO SERVE PURSUANT TO ARTICLE III, SECTION 9.

When applying Article III, section 9, which reads in part,

> "No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature."

the meaning of several terms must be determined as they pertain to the present case. Specifically, what is meant by "lucrative" and "office"?

A. What is "lucrative"?

Clearly, the contestee's position with Wayne State College is a "lucrative" position. It is a salaried position "which yields a compensation supposed to be adequate to the services rendered and in excess of the expenses incidental" to the position. The committee finds that the position of a compensated faculty member at a Nebraska state college is "lucrative" within the meaning of Article III, section 9.

B. Is a faculty position at a state college an "office"?

The key determination that must be made when construing the term "office" as it is used in Article III, Section 9, is whether "office" is distinguishable from "employment" and, if so, which term then applies to the position of faculty member at a state college.

There have been no Nebraska cases interpreting this provision of Article III, section 9. There have been Attorney General's Opinions which merely assert, without supporting authority, that a university instructor (Attorney General's Opinions 1951-52, p. 378) or any state employee (Jan. 9, 1984 letter to Director of Personnel) cannot also be a legislator without violating Article III, section 9. The opinion on the instructor was issued in 1952 before the adoption of a 1972 constitutional amendment that struck language on which the Attorney General may have relied and neither opinion cited any authority nor made any supporting explanations on why this section would apply.

The Attorney General's Opinions do not contribute significantly to a resolution of this issue. Nor is the history of constitutional debates on this section particularly helpful, as they also discussed the provision which was later deleted in 1972.

There are numerous cases in other jurisdictions, however, interpreting constitutional provisions similar to Nebraska's Article III, section 9. Some cases have held that a teacher or faculty member cannot serve as a legislator. However, those cases can be distinguished on bases that include (1) the constitutional provision in question prohibited the legislator from holding any state office or other position or employment. (Some of those cases, in fact, recognize that a teacher does not hold an "office"); (2) the position in question was as a member of a governing board; (3) the case was based on a constitutional separation of powers provision; or (4) the case was based on a constitutional conflicts of interest provision.

On the other hand, in a case which is directly on point, Jenkins v. Bishop, 589 P.2d 770 (Utah 1980), the court interpreted a constitutional provision comparable to Nebraska's, and held that a teacher can serve as a legislator.

On the broader issue of distinguishing between an "office" and "employment", many cases have set out criteria for the determination

of whether a position is an "office". The specific tests vary, but generally they require an office to at least (1) be created by the constitution or by legislative act, (2) be vested with a portion of the sovereign power of the state, and (3) enjoy powers and duties which are performed with a certain degree of independence and without the control of a superior power, other than law.

The leading Nebraska case on defining "office", Home Savings & Loan Assn. v. Carrico, 123 Neb. 25 (1932), also reflects these criteria. "(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." In the case before us, it appears that Senator Conway's duties as a faculty member, as set out in his brief and deposition and not substantively disputed by the contester, do not require him to exercise sovereign powers of the state. While he has a degree of discretion regarding how he exercises his responsibilities, he remains under the control and supervision of others; he has a contract of employment whose terms are determined not by law but by negotiation with the Board of Trustees; and he was not required to take an oath. These factual characteristics of his position seem to be inconsistent with the generally accepted attributes of an "office" and are more characteristic of "employment".

In cases applying these criteria to teachers or faculty members, the general rule is that "a professor in a state college or university is generally not held to be a public officer, but merely an employee whose relationship is contractual in character." 15A Am.Jur.2d sec 16.

The case of Martin v. Smith, 1 N.W.2d 163 (Wisc. 1941) is a leading case in this area, holding that,

> "The president of the state university was an 'employee' and not a 'public officer' ... within the provision of the constitution that no member of Congress nor any person holding any office of profit or trust under the United States ... shall be eligible to hold office of trust, profit or honor in the state".

However, the aberration from this general rule is the Nebraska case relied upon by the contester, Eason v. Majors , 111 Neb. 288 (1923), in which the court held that the term "office", when used in

statutes providing for quo warranto procedures for claiming an office, applied to a faculty position at Peru State College. The court in this case included all teachers in this term and also apparently "well-nigh any position where authority is coupled with a duty and where the duty is for a public purpose." As noted in contestee's brief, the court in Eason was evidently searching for a remedy in this particular fact situation.

Later Nebraska cases have distinguished between "office" and "employment" for other purposes and do not appear to follow such a broad application of the term "office". In fact, the Nebraska Supreme Court later held, in Greer v. Chelewskioff;, 162 Neb. 450 (1956), that "A teacher ... is not a public officer, nor is his position an office", thus indicating that it may not be appropriate to assume that Eason should be extended beyond its application to quo warranto statutes. The contester's brief distinguishes and the contestee's brief dismisses Neeman v. Nebraska Resources Commission, 191 Neb. 696 (1974), in which the court held that a university officer is not a "state officer" in this particular instance, but it is noted that this case might still be relevant in that the court cited with approval Martin v. Smith,noted above, as authority for its conclusion.

In conclusion, although there is some early authority to indicate otherwise, it appears that the greater weight of authority is that employment as a faculty member for a state college does not amount to a "lucrative office under the authority of the state" as contemplated by Article III, section 9.

CONCLUSION

In conclusion, the committee finds that the Legislature is the sole and final authority for judging the eligibility of its members but that in doing so, it should comply with statutory procedures where applicable. Although the contester, Nelson, has complied with statutory jurisdictional requirements, the Legislature's statutory jurisdiction to hear election contests in this case is limited to determining the eligibility of the contestee, Sen. Conway, to a seat in the Legislature and only one of the grounds of contest--Article III, section 9-- appears to bear directly on the question of such eligibility.

In applying Article III, section 9, of the Nebraska Constitution, the Committee finds that employment of the contestee as a faculty member of Wayne State College does not clearly render him ineligible

for office as a member of this Legislature. Thus, the Committee recommends to the Legislature that the election contest for the 17th legislative district be denied on the Article III, section 9,ground of contest and dismissed for lack of jurisdiction on the Article II, section 1, Article III, section 7, and Article III, section 16, grounds of contest.

Credentials Committee
Ninety-First Legislature

(Signed) Senator Jerome Warner
Chairperson

(Signed) Senator Ernie Chambers

(Signed) Senator Bernice Labedz

(Signed) Senator Glenn Goodrich

(Signed) Senator Loran Schmit

Attachment of Attorney General's Letter as per report.

January 19, 1989

Senator Jerome Warner
Nebraska State Legislature
Room 1000, State Capitol
Lincoln, NE 68509

Dear Senator Warner:

This letter is in response to your correspondence of January 11, 1989, on behalf of the Credentials committee of the Legislature requesting our views as to certain matters surrounding the election contest filed against Gerald Conway by Tore Nelson. We have reviewed your letter together with the various materials enclosed therewith. In our view, the situation involving the service of two notices of election contest does not create a jurisdictional problem with the election contest filed under the pertinent Nebraska statutes.

Neb.Rev.Stat. §§32-1001 et seq. (Reissue 1988) contain the general statutory provisions dealing with election contests. Neb.Rev.Stat. §32-1001.06 (Reissue 1988) provides that a person contesting an election shall give notice of the election contest in writing to the person whose election he contests within 40 days after the election.

As we understand it, Senator Conway received an initial notice of the contest of his election on either December 16 or December 17, 1988. Senator Conway then received a second such notice on December 19, 1988. The second notice differed from the first in only two respects: 1) The second notice was identified as a "corrected" version, and 2) The second notice contained a different date for certain depositions. Since the second "corrected" notice was received on the 41st day following the general election and was apparently intended to replace the original document, you question whether it meets the jurisdictional requirements of §32-1001.06.

This situation appears to us to be analogous to the situation where an initial petition in a lawsuit is filed within a statute of limitations and an amended petition is subsequently filed after the statute of limitations has run. In that situation, our supreme court has indicated that the amendment to the initial pleading relates back to the time of the initial pleading if the claimant seeks recovery on the same general set of facts. Forker Solar, Inc. v. Knoblauch, 224 Neb. 143, 396 N.W.2d 273 (1986); Kohler v. Ford Motor Company, 187 Neb. 428, 191 N.W.2d 601 (1971). In a similar fashion, we believe that the "corrected" notice in this case would relate back to the original notice of election contest which was served within the proper time limits. This is particularly true since there was no change in the substantive allegations made by Mr. Nelson. The only change in the "corrected" version was a different deposition date which was created by changing one word in the second notice. Consequently, we do not believe that the situation which you described involving two notices creates a jurisdictional impediment to the election contest filed by Mr. Nelson.

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

5-96-2

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 31, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Carl Godwin, Bible Baptist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Peterson who were excused; and Messrs. Abboud, Haberman, R. Johnson, McFarland, Morrissey, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 312. Placed on Select File.
LEGISLATIVE BILL 279. Placed on Select File.
LEGISLATIVE BILL 296. Placed on Select File.

LEGISLATIVE BILL 321. Placed on Select File as amended.
E & R amendments to LB 321:
AM5025

1. On page 1, line 4, strike "directors" and insert "corporations and partnerships"; and in line 6 after "for", insert "certain".

2. On page 4, line 16, before "Any" insert paragraphing.

LEGISLATIVE BILL 322. Placed on Select File.

LEGISLATIVE BILL 165. Placed on Select File as amended.
E & R amendment to LB 165:
AM5026

1. On page 8, line 24, after "each" insert an underscored comma.

LEGISLATIVE BILL 177. Placed on Select File as amended.
E & R amendments to LB 177:
AM5027

1. On page 1, strike beginning with the first semicolon in line 2 through "emergency" in line 3.

2. On page 2, line 14, strike "office" and insert "Protocol Office".

3. Renumber sections 5 and 6 as sections 4 and 5 respectively.

LEGISLATIVE BILL 221. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

MOTION - Election Contest

Messrs. Warner, Chambers, Goodrich, Schmit, and Mrs. Labedz renewed their pending motion found in the Journal on page 502 that the Legislature, in accord with the findings and recommendations contained in the Report of the Credentials Committee on the Contest of Election of Gerald Conway, which Report is printed in the Legislative Journal for the seventeenth legislative day, dismiss the Contest of Election and seat Gerald A. Conway as a member of the Ninety-First Legislature representing the 17th legislative district.

The Warner et al. motion prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Messrs. Warner, Chambers, Goodrich, Schmit, and Mrs. Labedz renewed their pending motion found in the Journal on page 502 that

a complete record of the proceedings of the Contest of Election for the member of the Legislature from the 17th legislative district be compiled. The record shall include: the official transcripts of all hearings held by the Credentials Committee appointed to consider such contest; all documents, materials, testimony and depositions requested or received by the Committee or the Clerk of the Legislature in the course of the proceedings; all motions proposed or adopted by the committee or the Legislature in the course of their proceedings and the action taken on each such motion; and the final Report of the Credentials Committee. When compiled as set forth above it shall be filed with the records of the Legislature in the office of the Clerk of the Legislature.

The Warner et al. motion prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 84	Wednesday, February 15, 1989	1:30 p.m.
LB 522	Wednesday, February 15, 1989	1:30 p.m.
LB 774	Wednesday, February 15, 1989	1:30 p.m.
LB 807	Wednesday, February 15, 1989	1:30 p.m.
LB 634	Wednesday, February 15, 1989	1:30 p.m.
LB 747	Wednesday, February 15, 1989	1:30 p.m.
LB 528	Thursday, February 16, 1989	1:30 p.m.
LB 700	Thursday, February 16, 1989	1:30 p.m.
LB 611	Thursday, February 16, 1989	1:30 p.m.
LB 657	Thursday, February 16, 1989	1:30 p.m.
LB 654	Thursday, February 16, 1989	1:30 p.m.
LB 239	Wednesday, February 22, 1989	1:30 p.m.
LB 329	Wednesday, February 22, 1989	1:30 p.m.
LB 346	Wednesday, February 22, 1989	1:30 p.m.
LB 532	Wednesday, February 22, 1989	1:30 p.m.
LB 687	Thursday, February 23, 1989	1:30 p.m.
LB 335	Thursday, February 23, 1989	1:30 p.m.
LB 437	Thursday, February 23, 1989	1:30 p.m.
LB 563	Thursday, February 23, 1989	1:30 p.m.
LB 564	Thursday, February 23, 1989	1:30 p.m.

LB 436	Friday, February 24, 1989	1:30 p.m.
LB 540	Friday, February 24, 1989	1:30 p.m.
LB 705	Friday, February 24, 1989	1:30 p.m.
LR 16CA	Wednesday, March 1, 1989	1:30 p.m.
LR 18CA	Wednesday, March 1, 1989	1:30 p.m.
LR 19CA	Wednesday, March 1, 1989	1:30 p.m.
LB 653	Wednesday, March 1, 1989	1:30 p.m.
LB 794	Wednesday, March 1, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

Judiciary

LB 579	Friday, March 17, 1989 (cancelled)	1:30 p.m.
LB 626	Wednesday, February 15, 1989 (cancelled)	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 391. Placed on General File as amended.
Standing Committee amendment to LB 391:
AM0112

1. On page 4, line 2, strike beginning with the first comma through "system" and insert "Automated Quotation National Market System".

(Signed) Dave Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 254. Title read. Considered.

Standing Committee amendments, AM0047, found in the Journal on page 445 for the Fourteenth 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 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Rogers' birthday.

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Standing Committee amendment, AM0071, found in the Journal on page 446 for the Fourteenth Day, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 113. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Mr. Korshoj offered the following amendment:
FA15
to amend LB 82 by adding a new section:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The Korshoj amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 74. Placed on General File.
LEGISLATIVE BILL 398. Placed on General File.
LEGISLATIVE BILL 499. Placed on General File.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 201. Mr. Chizek asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 106. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

Mrs. Crosby offered the following amendments:

AM0098

1. On page 3, line 19, after "regulations" insert "and the provision of security".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Crosby amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 159. Mr. Conway asked unanimous consent to pass over. No objections. So ordered.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendment, AM0094, found in the Journal on page 460 for the Sixteenth Day, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 138.

Laid over.

LEGISLATIVE BILL 166. Title read. Considered.

Standing Committee amendments, AM0100, found in the Journal on page 472 for the Sixteenth Day, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 353. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 48. Title read. Considered.

Standing Committee amendment, AM0040, found in the Journal on page 474 for the Sixteenth Day, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM0127, found in the Journal on page 492.

Messrs. Abboud and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 12 nays, and 17 not voting.

Messrs. Elmer and McFarland asked unanimous consent to be excused. No objections. So ordered.

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.

The Bernard-Stevens amendment lost with 17 ayes, 23 nays, 2 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LB 521. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 441. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 357. Placed on General File as amended.
Standing Committee amendments to LB 357:
AM0135

1. Insert the following new section:

"Sec. 9. Section 8 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended. The other sections of this act shall become operative on their effective date.".

2. On page 2, line 13, strike "bring" and insert "offer off-campus courses that will encourage" and strike the first "to" and insert "in"; and in line 16 strike "by offering off-campus courses".

3. On page 3, line 8, after "nurse" insert "after the effective date of this act"; in line 10 strike "nonresident"; in line 11 strike "leading to" and insert "providing"; strike line 12 and insert "bachelor's degree in nursing for a person who holds an associate degree in nursing or who is a diploma registered nurse."; in line 20, strike "bachelor of science" and insert "bachelor's"; and in line 21 after "degree" insert "in nursing".

4. On page 4, line 2, strike "bachelor of science" and insert "bachelor's"; and in line 3 after "degree" insert "in nursing".

5. On page 9, line 9, after "act" insert "which is included in federal adjusted gross income".

6. Renumber the remaining section accordingly.

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 289	Wednesday, February 8, 1989	1:30 p.m.
LB 682	Wednesday, February 8, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 165 in the Journal. No objections. So ordered.

AM0156

1. On page 5, line 10, strike "Each", show as stricken, and insert "Except as provided in sections 14-201 and 14-201.04, each".

2. On page 7, line 22, strike "and every" and show as stricken; and strike beginning with "four" in line 22 through "14-201.04", show the old matter as stricken, and insert "1991, 1993, and every four years after 1993".

Mr. Barrett asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

AM0123

1. Insert the following new section:

"Section 1. That section 39-619.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-619.01. (1) If any person shall willfully or maliciously shoot upon the public highway and injure, deface, damage, or destroy any signs, monuments, road markers, traffic-control devices, traffic-surveillance ~~or surveillance~~ devices, or other public notices lawfully placed upon ~~said~~ such highways, he or she shall be guilty of a Class III misdemeanor.

(2) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic-control device, or traffic-surveillance device.

(3) It shall be unlawful for any person other than a duly authorized representative of the Department of Roads or a county or municipality to remove any sign, traffic-control device, or traffic-surveillance device placed along a public street, road, or highway for ~~traffic control~~ traffic-control, warning, or informational purposes by official action of the department or a county or municipality. It shall be unlawful for any person to possess ~~such~~ a sign or device which has been removed in violation of this subsection.

(4) ~~(3)~~ Any person violating subsection (2) or (3) of this section shall be guilty of a Class II misdemeanor and shall be assessed liquidated damages in

the amount of the value of the sign, traffic-control device, or traffic-surveillance device and the cost of replacing it.".

2. On page 27, line 17, after "sections" insert "39-619.01,".

3. Renumber remaining sections accordingly.

Mr. Hefner asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

AM0144

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.".

Mr. Hall asked unanimous consent to print the following amendment to LB 48 in the Journal. No objections. So ordered.

FA16

To amend LB 48, on page 2, line 6, strike, "impractical and ineffective." and insert "effective."
line 9, strike "all promotional distribution." and insert "promotional distribution to minors."
line 13, strike "the general public" and insert "minors"
line 25, after "purposes" add "to minors."
page 3, line 2, strike "the general public" and insert "minors"

VISITORS

Visitors to the Chamber were Joe Hergott from Gilead and Charles Schultz from Fairbury; Mike Martens, Larry Evans, and Roy Brethoun from Scottsbluff; Vern Shamburg from Fairbury; Jim and Dixie Lees from Whitney, Jackie Herren from Harrison, and Ted Hoffman from Chadron; Elmer Olberding and John Dvorak from Atkinson; Dale Barth from Stanton; Merlin Volkmer, Wayne Hansen, and Doug Dickenson; Merle Andersen, Mardell Andersen, Roger Mathiesen from Blair, and Jean Chamberlain from Tekamah; Wilbur Nelson and Dudley Wells from Kearney County; Larry Reynolds from Lexington, Doyle and Kay Lavine from Bertrand; former Senator Lester Harsch; Betty McBride and Dale Caskey from Ainsworth; and Jack Preston from Scottsbluff.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 1, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 1989

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. David Lux, St. Paul Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hall, Peterson, and Rogers who were excused; and Messrs. Abboud, Bernard-Stevens, Lindsay, Warner, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File.
LEGISLATIVE BILL 114. Placed on Select File.
LEGISLATIVE BILL 43. Placed on Select File.
LEGISLATIVE BILL 113. Placed on Select File.

LEGISLATIVE BILL 171. Placed on Select File as amended.
E & R amendment to LB 171:
AM5028

1. On page 2, line 24; page 3, lines 2, 21, and 23; and page 4, lines 1, 4, 7, and 9, strike the semicolon, show as stricken, and insert an underscored comma.

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:
AM5029

1. On page 1, line 2; and page 3, line 14, after "Statutes" insert "of Nebraska".
2. On page 2, lines 5, 7, and 9, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 80. Placed on Select File.
LEGISLATIVE BILL 82. Placed on Select File.
LEGISLATIVE BILL 200. Placed on Select File.

LEGISLATIVE BILL 106. Placed on Select File as amended.
E & R amendments to LB 106:
AM5030

1. On page 1, line 4, strike "agricultural land" and insert "land in an agricultural use zone".
2. On page 2, line 4, reinstate the stricken matter.

LEGISLATIVE BILL 194. Placed on Select File as amended.
E & R amendments to LB 194:
AM5031

1. On page 1, line 5, strike "and" and after "section" insert "; and to declare an emergency".
2. On page 3, line 23, after "act" insert an underscored comma.

LEGISLATIVE BILL 166. Placed on Select File as amended.
E & R amendments to LB 166:
AM5032

1. On page 2, line 11, strike the second comma and show as stricken.
2. On page 3, line 7, after "time" insert "except as provided in section 37-503.05"; in lines 8 and 9 strike the new matter; and in lines 15 and 23 after the comma insert "from".

LEGISLATIVE BILL 353. Placed on Select File.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 238. Placed on General File as amended.
Standing Committee amendments to LB 238:
AM0149

1. Insert the following new section:

"Sec. 3. That section 48-1232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1232. If an employee ~~shall establish~~ establishes a claim and ~~secure~~ secures judgment on such claim under section 48-1231, an amount equal to the judgment shall be recovered from the employer. If the nonpayment of wages is found to be willful, an amount equal to two times the amount of unpaid wages shall be recovered from the employer. Such amount, if ordered by the court, ~~and~~ shall be placed in a fund to be distributed to the common schools of this state.".

2. On page 3, line 16, after "employment" insert "less any orders returned or canceled at the time suit is filed".

3. On page 4, line 2, strike the comma and show as stricken and reinstate the stricken "and"; strike the new matter in lines 6 through 8; in line 21 strike "and" and insert a comma; and in line 22 after the first comma insert "and 48-1232,".

4. Renumber the remaining section accordingly.

(Signed) George Coordsen, Chairperson

MESSAGE FROM THE GOVERNOR

January 27, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 were received in the Governor's Office on January 25, 1989.

Because the Governor is out of the state, these bills were signed by me as Acting Governor on January 27, 1989 and delivered to the Secretary of State.

Sincerely,
(Signed) William E. Nichol
Lieutenant Governor

cc: Allen Beerman

ATTORNEY GENERAL'S OPINION

Opinion No. 89004

January 30, 1989

Senator Tim Hall
Nebraska State Legislature
2028 State Capitol
Lincoln, NE 68509

Dear Senator Hall:

You state that in the 1989 legislative session you plan to introduce amendatory legislation dealing with the distribution of funds under the student financial aid program of Neb.Rev.Stat. §§85-980 to 85-9,102 (Reissue 1987). In connection therewith, you ask if the Nebraska Coordinating Commission for Postsecondary Education has authority to distribute federal SSIG funds based only on federal student grant dollar volume?

No. An award under the statutes cited is to be given "on the basis of substantial financial need." Substantial financial need, while less than precisely stated, is defined in Neb.Rev.Stat. §85-990 (Reissue 1987).

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-54-2

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

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 163	Thursday, February 9, 1989	1:30 p.m.
LB 325	Thursday, February 9, 1989	1:30 p.m.
LB 527	Thursday, February 9, 1989	1:30 p.m.
LB 764	Thursday, February 9, 1989	1:30 p.m.
LB 788	Thursday, February 9, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

REPORTS

Received report on water quality monitoring from the Department of Environmental Control as required by LB 445, 1988.

Received report of Miscellaneous and Tort Claims from the Office of Risk Management/State Claims Board in accordance with Section 81-8,226.

Received fifth biennial report from the Nebraska Power Review Board.

SELECT FILE

LEGISLATIVE BILL 256. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 175. E & R amendments, AM5020, found in the Journal on page 458 for the Sixteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 261. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 115. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 283. E & R amendments, AM5023, found in the Journal on page 459 for the Sixteenth Day, were adopted.

Mr. Barrett renewed his pending amendment, AM0123, found in the Journal on page 524.

The Barrett amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen offered the following amendment:
AM0166

1. On page 7, line 25, strike "and the words NOT FOR HIRE;", show as stricken, and insert an underscored semicolon.

The Coordsen amendment lost with 12 ayes, 16 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. Mr. Landis requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 142. E & R amendments, AM5022, found in the Journal on page 459 for the Sixteenth Day, were adopted.

Mr. Chambers moved to indefinitely postpone LB 142.

The Chambers motion lost with 4 ayes, 12 nays, 25 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 5 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 156. E & R amendments, AM5021, found in the Journal on page 460 for the Sixteenth Day, were adopted.

Mr. Chambers moved to indefinitely postpone LB 156.

The Chambers motion lost with 6 ayes, 12 nays, 23 present and not voting, and 8 excused and not voting.

Mr. Chambers 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	Crosby	Johnson, L.	Lamb	Pirsch
Baack	Elmer	Johnson, R.	Langford	Robak
Beck	Goodrich	Korshoj	Lindsay	Schellpeper
Byars	Haberman	Kristensen	Moore	Scofield
Conway	Hannibal	Labedz	Nelson	Smith
Coordsen	Hefner			

Voting in the negative, 5:

Chambers	Landis	Morrissey	Schimek	Weihing

Present and not voting, 10:

Barrett	Dierks	Lynch	Schmit	Wesely
Beyer	Hartnett	McFarland	Wehrbein	Withem

Excused and not voting, 7:

Abboud	Bernard-Stevens	Chizek	Peterson	Warner
		Hall	Rogers	

Advanced to E & R for Engrossment with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 70. E & R amendments, AM5024, found in the Journal on page 483 for the Seventeenth Day, were adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 298

Mr. Moore and Ms. Schimek renewed their pending motion found in the Journal on page 479 to reconsider the adoption of the Haberman amendment.

Mr. Morrissey asked unanimous consent to be excused until he returns. 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.

The Moore-Schimek motion to reconsider prevailed with 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 298. The Haberman amendment, AM0005, found in the Journal on page 454, was reconsidered.

The Haberman amendment lost with 6 ayes, 19 nays, 19 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.

NOTICE OF COMMITTEE HEARING
Education

LB 580 Tuesday, March 14, 1989 1:30 p.m.

(Signed) Ron Withem, Chairperson

ANNOUNCEMENT

Mr. Withem announced the hearing location for LB 89 has been changed from the East Chamber to Ag Hall on the State Fair Grounds.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 432	Wednesday, February 8, 1989	1:30 p.m.
LB 149	Wednesday, February 8, 1989	1:30 p.m.
LB 460	Wednesday, February 8, 1989	1:30 p.m.
LB 55	Thursday, February 9, 1989	1:30 p.m.
LB 442	Thursday, February 9, 1989	1:30 p.m.
LB 435	Thursday, February 9, 1989	1:30 p.m.
LB 534	Thursday, February 9, 1989	1:30 p.m.
LB 601	Thursday, February 9, 1989	1:30 p.m.
LB 66	Friday, February 10, 1989	1:30 p.m.
LB 635	Friday, February 10, 1989	1:30 p.m.
LB 640	Friday, February 10, 1989	1:30 p.m.
LB 709	Wednesday, February 15, 1989	1:30 p.m.
LB 212	Wednesday, February 15, 1989	1:30 p.m.
LB 196	Wednesday, February 15, 1989	1:30 p.m.
LB 639	Thursday, February 16, 1989	1:30 p.m.
LB 76	Thursday, February 16, 1989	1:30 p.m.
LB 546	Thursday, February 16, 1989	1:30 p.m.
LB 545	Thursday, February 16, 1989	1:30 p.m.
LB 638	Wednesday, February 22, 1989	1:30 p.m.
LB 701	Wednesday, February 22, 1989	1:30 p.m.
LB 702	Wednesday, February 22, 1989	1:30 p.m.
LB 588	Wednesday, February 22, 1989	1:30 p.m.
LB 213	Thursday, February 23, 1989	1:30 p.m.
LB 471	Thursday, February 23, 1989	1:30 p.m.
LR 1	Thursday, February 23, 1989	1:30 p.m.
LB 628	Friday, February 24, 1989	1:30 p.m.
LB 492	Friday, February 24, 1989	1:30 p.m.
LB 276	Friday, February 24, 1989	1:30 p.m.
LB 136	Friday, February 24, 1989	1:30 p.m.

LB 253	Wednesday, March 1, 1989	1:30 p.m.
LB 246	Wednesday, March 1, 1989	1:30 p.m.
LB 402	Wednesday, March 1, 1989	1:30 p.m.
LB 693	Wednesday, March 1, 1989	1:30 p.m.
LB 604	Thursday, March 2, 1989	1:30 p.m.
LB 324	Thursday, March 2, 1989	1:30 p.m.
LB 135	Thursday, March 2, 1989	1:30 p.m.
LB 663	Friday, March 3, 1989	1:30 p.m.
LB 493	Friday, March 3, 1989	1:30 p.m.
LB 409	Friday, March 3, 1989	1:30 p.m.
LR 7CA	Wednesday, March 8, 1989	1:30 p.m.
LB 266	Wednesday, March 8, 1989	1:30 p.m.
LB 206	Wednesday, March 8, 1989	1:30 p.m.
LB 500	Wednesday, March 8, 1989	1:30 p.m.
LB 139	Wednesday, March 15, 1989	1:30 p.m.
LB 722	Wednesday, March 15, 1989	1:30 p.m.
LB 448	Wednesday, March 15, 1989	1:30 p.m.
LB 164	Thursday, March 16, 1989	1:30 p.m.
LB 508	Thursday, March 16, 1989	1:30 p.m.
LB 691	Thursday, March 16, 1989	1:30 p.m.
LB 291	Friday, March 17, 1989	1:30 p.m.
LB 609	Friday, March 17, 1989	1:30 p.m.

(Signed) Dennis Baack, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 263. Placed on General File.

LEGISLATIVE BILL 327. Placed on General File as amended.
Standing Committee amendments to LB 327:
AM0132

1. On page 2, line 10, strike "regular or" and show as stricken; in line 19 strike "or regular" and show as stricken; and in line 22 strike the period,

reinstate the stricken "in any year", and insert an underscored period after "year".

2. On page 5, strike beginning with "at" in line 4 through "time" in line 5 and show as stricken; in line 11, strike the comma and show as stricken; in line 13 after "and" insert "shall"; in line 14 strike "produced to and" and show as stricken; and in line 15 strike "before filing such petition", show as stricken, and insert "at the time the statement of candidacy is filed".

3. On page 6, in lines 15 and 23, strike "such", show as stricken, and insert "the"; and in line 20 strike "such regular or", show as stricken, and insert "the".

4. On page 7, line 3, strike "such regular or", show as stricken, and insert "the".

LEGISLATIVE BILL 408. Placed on General File as amended.
Standing Committee amendments to LB 408:
AM0131

1. On page 2, line 25, strike "who do not qualify for".

2. On page 3, strike beginning with "participation" in line 1 through "but" in line 2.

LEGISLATIVE BILL 389. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

Education

LEGISLATIVE BILL 744. Placed on General File.

LEGISLATIVE BILL 183. Placed on General File as amended.
Standing Committee amendments to LB 183:
AM0145

1. Strike original section 11 and insert the following new sections:

"Sec. 10. A student in the ninth, tenth, eleventh, or twelfth grade who transfers to an option district shall be ineligible to compete in athletic competition for ninety school days after his or her attendance in the option district begins, except that the Nebraska School Activities Association may waive the

ninety-day waiting period upon appeal by the option student in accordance with the constitution and bylaws of the association. No such ineligibility shall occur when the option student returns to his or her resident school district if such student submits a cancellation form.

Sec. 12. There is hereby created the Option Support Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 13. On or before December 15 and May 15 of each school year, each resident school district shall, for each option student in an option district, remit to the State Department of Education, in two equal payments, an amount equal to such district's annual cost per pupil in average daily membership as reported on the annual financial report of such school district for the preceding school year weighted for the grade level of each option student pursuant to the weightings established in section 79-1334. Such amounts shall be remitted by the department to the State Treasurer for credit to the Option Support Fund. The resident school district shall count all students, regardless of whether they attend an option school district, when making calculations for the School Foundation and Equalization Act.

Sec. 14. The State Department of Education shall by January 1 and June 1 of each year, for each option student attending an option school district, remit to each option district from the Option Support Fund an amount equal to the option district's annual cost per pupil in average daily membership as reported on the annual financial report of such school district for the preceding school year weighted for the grade level of each option student pursuant to the weightings established in section 79-1334. If payments made to the fund are not sufficient to cover payments required from the fund, the department shall advise the Legislature and request an emergency appropriation to make such payments.

Sec. 16. That section 79-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-701. (1) A Class II school district shall

be created whenever a Class I school district determines by a majority vote of the electors to establish a high school.

(2) The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election at which election a six-member board shall be elected. The three receiving the highest number of votes shall be elected for ~~a term~~ terms of four years and the three receiving the next highest number of votes shall be elected for ~~a term~~ terms of two years.

(3) If a Class II school district, by a vote of fifty-five percent of the legal voters voting at an annual or special meeting, decides to discontinue the high school and close the same, the school district shall thereupon become a Class I school district on the date designated by such voters. At such meeting a decision shall be made as to when the new board of education shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children between five and twenty-one years of age pursuant to section 79-601. The board of education of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

If the new board of education is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for the term of three years each. All ~~and all~~ officers so elected shall hold their offices until ~~their~~ successors are elected and qualified. After such change

becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

If the new board of education is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual meeting or at a special meeting called for the purpose of electing school district officers.

(4) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine to twelve. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(5) If for three consecutive years the average daily membership of an existing Class II school district is less than twenty-five pupils in grades nine through twelve or ~~after July 10, 1984,~~ if for one year an existing Class II school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (6) of this section, become a Class I school district through the order of the county superintendent if the high school is within fifteen miles on a reasonably improved highway of another high school. A resident school district shall not count students attending an option district when calculating average daily membership for purposes of this subsection. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(6) Any Class II school district maintaining a four-year high school which has an average daily membership of less than twenty-five students in grades nine through twelve for three consecutive years may contract with another school district to provide educational services for its pupils in grades nine

through twelve. Such contract may continue for a period not to exceed three years. At the end of such three-year period the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students, except that ~~after July 10, 1984,~~ a Class II school district may contract pursuant to this subsection for a period of only one year and at the end of such one-year period the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such average daily membership, it shall become a Class I school district as prescribed in subsection (5) of this section.".

2. On page 3, line 23, strike "12" and insert "15"; in line 24 after "sections" insert "79-701," and after "79-1331" insert an underscored comma; and in line 25 before "Option" insert "(1)".

3. On page 4, line 3, before "Option" insert "(2)"; in line 5 after "resident" insert "school"; and in line 23 after "for" insert "automatic approval for" and after the period insert "No student shall attend an option district for less than one school year, unless he or she relocates to a different resident school district or completes requirements for graduation prior to the end of his or her senior year."

4. On page 5, line 13, after the period, insert the following new paragraph:

"It shall be unlawful for any employee, agent, or legal representative of any school district to initiate any contact by personal visitation, phone call, written correspondence, or public advertisement with any parent, legal guardian or student residing in any other school district for purposes of encouraging such student to attend the school district of such employee, agent, or legal representative."; in line 14 after "A" insert "school"; strike beginning with the period in line 17 through line 22 and insert "and may deny applications to transfer into or out of the school district which would be inconsistent with the plan."; and in line 23 strike "sixty" and insert "ninety".

5. On page 10, line 16, strike "12" and insert "15".

6. On page 13, line 2, after "sections" insert "79-701,".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 264. Indefinitely postponed.
LEGISLATIVE BILL 612. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Business and Labor

LEGISLATIVE BILL 412. Placed on General File as amended.
Standing Committee amendment to LB 412:
AM0148

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) George Coordsen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 61. Placed on General File.

LEGISLATIVE BILL 349. Placed on General File as amended.
Standing Committee amendments to LB 349:
AM0150

1. Strike original section 2.

2. On page 2, in lines 9 and 10 strike the new matter.

3. On page 7, line 4, strike "4" and insert "3"; in line 9 after "licensed" insert an underscored comma; in line 13 after "by" insert "either" and after "Insurance" insert "or the Securities Valuation Office of the National Association of Insurance Commissioners"; and in line 15 strike "be" and insert "regulate".

4. On page 8, line 10, strike "4" and insert "3"; and in line 12 strike "to" and insert ", 44-416.03, and".

5. Renumber remaining sections accordingly.

(Signed) Dave Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 21. Introduced by Beyer, 3rd District; Abboud, 12th District; Goodrich, 20th District; Hefner, 19th District.

WHEREAS, Opal Peterson was a life-long resident of Madison, Nebraska; and

WHEREAS, Mrs. Peterson was a loving wife and mother; and

WHEREAS, at age 82, Mrs. Peterson departed from this life, and is survived by her son, Senator Richard Peterson, and his wife Kay, five grandchildren, and seven great-grandchildren; and

WHEREAS, services for Mrs. Peterson will be held on Thursday, February 2, at 2:00 p.m. at United Trinity Methodist Church in Madison, Nebraska.

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

1. That the members of the Legislature express their sympathy to the family of Opal Peterson.

2. That a copy of this resolution be presented to her son, Senator Richard Peterson as an expression of regret for his mother's passing.

Laid over.

MOTION - Place LB 90 on General File

Mr. Lynch moved to place LB 90 on General File notwithstanding the action of the Natural Resources Committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 114 in the Journal. No objections. So ordered.

AM0159

1. On page 2, lines 7 through 10, strike the new matter and reinstate the stricken matter.

RESOLUTION

LEGISLATIVE RESOLUTION 22. Introduced by Dierks, 40th District.

WHEREAS, Elgin, Nebraska was incorporated as a village in 1889; and

WHEREAS, Elgin has grown into a fine community with a population of eight hundred ten persons; and

WHEREAS, Elgin maintains an active business area and serves as an agricultural trade center for north-central Nebraska; and

WHEREAS, Elgin celebrates its centennial in 1989 and will hold a Centennial Celebration June 28, 1989, through July 2, 1989.

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

1. That July 1, 1989, be recognized as Elgin Centennial Day.
2. That the Legislature congratulates the residents of Elgin for all their community efforts.
3. That a copy of this resolution be sent to the Elgin City Council and the chairperson of the Elgin Centennial.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 48. Considered.

Mr. Lynch renewed the Hall pending amendment, FA16, found in the Journal on page 525.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 5 nays, and 27 not voting.

Mr. Dierks 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 10 ayes, 18 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM0175

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by persons under eighteen years of age and the furnishing of smokeless tobacco products to such persons. The Legislature further finds that additional restrictions are necessary to discourage the consumption of smokeless tobacco products by persons under eighteen years of age. The Legislature specifically finds that at this time there is no prohibition against persons under eighteen years of age purchasing and possessing tobacco products and that not only should there be criminal sanctions against adults providing tobacco to such persons but, as in alcohol legislation, there should be criminal sanctions against persons under eighteen years of age purchasing or possessing tobacco products. It is the further intent of the Legislature to regulate the distribution of smokeless tobacco products.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Distribute shall mean to give smokeless tobacco products to the general public at no cost or at nominal cost or to give coupons or rebate offers with the products; and

(2) Smokeless tobacco product shall mean (a) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (b) a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

Sec. 3. (1) Manufacturers, wholesalers, or retailers or their representatives shall not make as part of an advertising plan or program any promotional offer of smokeless tobacco products which requires proof of purchase of a smokeless tobacco product unless such offer carries a designation that it is not available to minors. Each promotional offer shall include on any mail-in coupon a statement requesting the purchaser to verify that the purchaser is eighteen years of age or older.

(2) Manufacturers, wholesalers, or retailers

or their representatives shall not honor mail-in requests for promotional offers of smokeless tobacco products unless appropriate efforts are made to ascertain that the purchaser is eighteen years of age or older. For purposes of this subsection, appropriate efforts to ascertain the age of a purchaser shall include, but not be limited to, a request for the purchaser's age.

(3) Manufacturers, wholesalers, or retailers or their representatives shall not by any means as part of an advertising plan or program distribute samples of smokeless tobacco products within a two-block radius of any premises or facilities the primary purpose of which is directed toward persons under eighteen years of age, including, but not limited to, schools, clubhouses, and youth centers.

(4) Manufacturers, wholesalers, or retailers or their representatives shall not distribute as part of any advertising plan or program unsolicited samples of smokeless tobacco products through a mail campaign to any person.

Sec. 4. (1) The Attorney General shall apply for an injunction in the district court of the county in which any violation of section 3 of this act occurs to enjoin a person from engaging in any practice which violates such section. Notice shall be given by certified mail to the person at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 3 of this act. A civil penalty shall be imposed on such person in an amount of five hundred dollars for the first offense and in an amount of not less than six hundred dollars nor more than three thousand dollars for a second or subsequent offense. Each distribution of a single package in violation of such section to an individual shall be considered a separate violation.

Sec. 5. No county, city, or village shall adopt any ordinance or regulation inconsistent with sections 1 to 4 of this act or sections 28-1418 and 28-1419.

Sec. 6. That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a minor~~ Any person under ~~the age of~~ eighteen years of age, ~~shall smoke~~ who purchases, possesses, or smokes cigarettes or cigars~~, or use~~ or who purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. Any minor ~~so~~ charged with the violation of this section may be free from prosecution when he or she furnishes ~~shall have furnished~~ evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

Sec. 7. That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way~~,~~ any tobacco in any form whatever~~,~~ or any cigarettes~~,~~ or cigarette paper~~,~~ to any minor under eighteen years of age~~,~~ shall be guilty of a Class III misdemeanor for each offense.

Sec. 8. That original sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer offered the following amendment to the pending Bernard-Stevens amendment:
FA17
To Amend Bernard-Stevens amendment to LB 48 on Page 4 line 14 strike "Inconsistent with" and insert "Less Restrictive than"

The Elmer amendment was adopted with 16 ayes, 0 nays, 28 present and not voting, and 5 excused and not voting.

MR. LAMB PRESIDING

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson 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. Bernard-Stevens moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 20:

Abboud	Beyer	Elmer	Langford	Morrissey
Baack	Chizek	Goodrich	Lindsay	Pirsch
Beck	Conway	Johnson, R.	Lynch	Schmit
Bernard-Stevens	Coordsen	Labedz	Moore	Withem

Voting in the negative, 18:

Byars	Hannibal	Lamb	Scofield	Wehrbein
Chambers	Hefner	Landis	Smith	Weihing
Crosby	Johnson, L.	Nelson	Warner	Wesely
Dierks	Kristensen	Schimek		

Present and not voting, 6:

Ashford	Hartnett	Korshoj	Robak	Schellpeper
Haberman				

Absent and not voting, 1:

McFarland

Excused and not voting, 4:

Barrett	Hall	Peterson	Rogers

The Bernard-Stevens amendment, as amended, lost with 20 ayes, 18 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 116. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 325. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 325. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

AM0140

1. On page 37, line 15, strike "of" and insert "as established by the director not to exceed"; in line 17 strike the comma and insert "and not to exceed"; in line 18 strike the first comma and after the last comma insert "a license fee as established by the director not to exceed"; in line 19 strike "two-year"; and in line 20 strike "one-year".

2. On page 50, line 20, strike beginning with "the" through "act" and insert "such date, except that if such insurer, on or after such date, is determined by the director to be maintaining an amount which complies with the requirements as to capital and surplus as provided in sections 44-214, 44-219, and 44-243, then such insurer shall continue to comply with such requirements"; and in line 25 after the second comma insert "and" and strike ", and 44-1203".

3. On page 182, line 3, strike the new matter; in line 5 strike "Reciprocals", show as stricken, and insert "A reciprocal"; in line 8 strike "requirements", show as stricken, and insert "requirement"; in line 11 strike "them", show as stricken, and insert "it" and after "that" insert "if such reciprocal,"; and in line 12 after the underscored comma insert "is determined by the director to be maintaining an amount which complies with such deposit requirement, then such reciprocal shall continue to be subject to such requirement. On and after such date".

4. On page 239, line 12, strike "of" and insert "as established by the director not to exceed"

and after "and" insert "not to exceed"; in line 14 strike "of" and insert "as established by the director not to exceed"; in line 15 strike "two-year" and after the comma insert "not to exceed"; in line 16 strike "two-year"; in line 17 after the comma insert "not to exceed" and strike "one-year"; in line 18 after "and" insert "not to exceed"; and in line 19 strike "one-year".

5. On page 269, line 21, reinstate "April 1 following"; in lines 22 and 23 strike the new matter and reinstate the stricken matter; and in line 25 after "period" insert ", and on and after April 30, 1990, two-year period shall mean the period commencing on the date of licensing and ending on the date of expiration of the licensee's first license effective for not less than two years and each succeeding twenty-four-month period".

6. On page 285, lines 17, 19, 21, 22, and 24, strike "one-year".

7. On page 286, lines 1, 2, 4, and 6, strike "two-year"; and in line 8 strike "one-year".

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 176. Placed on General File as amended.
Standing Committee amendment to LB 176:
AM0147

1. On page 4, line 15, after "occupation" insert ". Disability shall not include an addiction to alcohol, controlled substances, or gambling which is currently being practiced by the employee. For purposes of this subdivision, does not reasonably preclude shall mean that an employer shall not be subject to more than a de minimus expense".

(Signed) George Coordsen, Chairperson

Education

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendments to LB 140:
AM0168

1. On page 6, strike beginning with the comma

in line 9 through the comma in line 11; and strike beginning with "contribution" in line 18 through "withdrawal" in line 20 and insert "contributed principal. Any amount of interest which may be attributable to such principal shall remain in the account until the account is closed under any arrangement or contract pursuant to section 21 of this act or closed pursuant to section 23 of this act".

2. On page 7, line 11, after the period insert "The total of amounts so withdrawn in any tax year for any purpose other than payment of educational expenses shall be subject to a penalty of ten percent of the amount or amounts so withdrawn. The penalty shall be assessed as tax pursuant to the Nebraska Revenue Act of 1967.".

3. On page 13, line 23, strike "20" and insert "19".

LEGISLATIVE BILL 336. Placed on General File as amended.
Standing Committee amendments to LB 336:
AM0169

1. On page 3, line 4, strike "rural" and insert "local".

2. On page 4, line 5, after "pedagogy" insert ", given adequate assurance that time is available for such teaching and planning"; and in line 13 after the period insert "Each restructuring grant application shall also include provisions assuring that there will be needs assessment to facilitate establishment of a local consensus of all concerned persons with an interest in a local restructuring plan.".

3. On page 5, line 15, after the second comma insert "to the State Department of Education,".

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were members of Nebraska Medical Auxiliary from across the state; and Ty Grothe.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 2, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Patrick Skinner, The Wesleyan Church, North Platte, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Peterson who was excused; and Messrs. Abboud, Ashford, Baack, Chambers, Haberman, Hall, R. Johnson, Korshoj, Kristensen, Lamb, Lynch, Schmit, Withem, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 298. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 58, 70, 115, 142, 156, 175, 256, 261, 283, and 284.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 70

The following change, required to be reported for publication in the Journal, has been made:
ER6110
1. On page 1, line 7, "to create a fund;" has been inserted after the semicolon.

Enrollment and Review Change to LB 156

The following change, required to be reported for publication in the Journal, has been made:
ER6109
1. On page 1, line 3, "to provide fees;" has been inserted after the semicolon.

Enrollment and Review Change to LB 283

The following changes, required to be reported for publication in the Journal, have been made:
ER6108
1. On page 1, line 1, "motor vehicles" has been struck and "transportation" inserted and "39-619.01," has been inserted after "sections"; in line 4 "to provide a penalty for unlawful acts relating to signs, traffic-control devices, and traffic-surveillance devices; to change requirements for auxiliary driving lamps;" has been inserted after the semicolon; and in line 6 "motor" has been inserted after "certain".

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 502. Placed on General File.

LEGISLATIVE BILL 119. Indefinitely postponed.
LEGISLATIVE BILL 286. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 23. Introduced by Beyer, 3rd District; Hefner, 19th District.

WHEREAS, the USS Frank E. Evans was accidentally rammed by an Australian aircraft carrier in the South China Sea in June of 1969; and

WHEREAS, seventy-four sailors were killed in that accident, including the Sage brothers of Niobrara, Nebraska; and

WHEREAS, Petty Officer 3rd Class Gregory Sage, Seaman Gary Sage, and Seaman Kelly Sage were among those killed in this tragic accident; and

WHEREAS, having served our country honorably during the Vietnam War era, the Sage brothers deserve to have their names listed on the Vietnam War Memorial; and

WHEREAS, the Nebraska congressional delegation has expressed interest in getting these names placed on the Vietnam War Memorial.

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

1. That a copy of this resolution be forwarded to each member of the Nebraska congressional delegation encouraging them to take action to see that the names of those killed on the USS Frank E. Evans be placed on the Vietnam War Memorial.

2. That a copy of this resolution be sent to Ernest and Eunice Sage, parents of Gregory, Gary, and Kelly Sage, expressing the Legislature's hope that their sons will be honored by having their names engraved on the Vietnam War Memorial.

Laid over.

STANDING COMMITTEE REPORT
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.

Wynn Smithberger Nuckolls - Board of Trustees of Nebraska State Colleges

Andrew C. Hove, Jr. - Board of Trustees of Nebraska State Colleges

Voting aye: Senators Dierks, Baack, Bernard-Stevens, Crosby, Chizek, Nelson, Withem. Voting nay: None. Absent: Senator McFarland.

(Signed) Ron Withem, Chairperson

REPORTS

Received Nebraska maps from Department of Roads in accordance with Section 39-1311.

Received annual report from the Department of Social Service's Job Support Program for Aid to Dependent Children (ADC) in accordance with Neb. Rev. Statute 43-512.11.

RESOLUTIONS

LEGISLATIVE RESOLUTION 21. Read. Considered.

Mr. Beyer asked unanimous consent to have all the senators' names added as co-introducers to LR 21. No objections. So ordered.

LR 21 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 22. Read. Considered.

LR 22 was adopted with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 33.

A BILL FOR AN ACT relating to public depositories; to amend sections 2-3227, 2-4214, 3-506, 3-709, 13-504, 13-1305, 14-512, 14-556, 14-563, 14-1237, 14-1719, 15-845, 15-846, 15-847, 15-848, 15-849, 16-712, 16-713, 16-714, 16-715, 17-607, 18-2102.01, 18-2473, 24-601.04, 46-146, 46-1,139, 46-1,140, 46-1,141, 72-1268.04, 72-1268.05, 77-2312, 77-2313, 77-2314, 77-2317, 77-2318, 77-2319, 77-2321, 77-2322, 77-2323, 77-2325, 77-2340, 77-2342, 77-2343, 77-2344, 77-2345, 77-2346, 77-2347, 77-2348, 77-2349, 77-2353, 77-2354, 77-2355, 77-2357, 77-2358, 77-2359, 77-2360, 77-2361, 77-2362, 77-2364, and 79-1051.03, Reissue Revised Statutes of

Nebraska, 1943, and sections 3-616, 77-2318.01, 77-2320, 77-2326.02, 77-2326.03, 77-2326.04, 77-2326.06, 77-2326.07, 77-2326.08, 77-2326.09, 77-2328, 77-2329, 77-2350, 77-2350.01, 77-2351, 77-2352, 77-2353.01, 77-2363, and 77-2367, Revised Statutes Supplement, 1988; to change provisions relating to the investment of public funds as prescribed; to implement a duty of the Revisor of Statutes; 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, 42:

Ashford	Conway	Hefner	Moore	Schmit
Baack	Coordsen	Johnson, L.	Morrissey	Scofield
Barrett	Crosby	Labedz	Nelson	Smith
Beck	Dierks	Lamb	Pirsch	Warner
Bernard-Stevens	Elmer	Landis	Robak	Wehrbein
	Goodrich	Langford	Rogers	Weihing
Beyer	Haberman	Lindsay	Schellpeper	Wesely
Byars	Hannibal	Lynch	Schimek	Withem
Chizek	Hartnett	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Abboud	Johnson, R.	Korshoj	Kristensen	Peterson
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101, 37-102, 37-201, 37-202, 37-204, 37-205 to 37-208, 37-212, 37-213, 37-301, 37-303, 37-304, 37-305 to 37-308, 37-402,

37-403, 37-404, 37-408, 37-410, 37-411, 37-413, 37-501, 37-504 to 37-507, 37-508 to 37-510, 37-516, 37-603, 37-606 to 37-608, 37-610 to 37-614, 37-702, 37-705, 37-706, 37-711, and 37-902, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions with former acts of the Legislature; to correct internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chizek	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Korshoj	Morrissey	Warner
Beck	Dierks	Labedz	Nelson	Wehrbein
Bernard-Stevens	Elmer	Lamb	Pirsch	Weihing
	Goodrich	Landis	Robak	Wesely
Beyer	Haberman	Langford	Rogers	Withem
Byars	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Smith

Excused and not voting, 4:

Hall Johnson, R. Kristensen Peterson

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: 33 and 34.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 281. Placed on General File.
LEGISLATIVE BILL 416. Placed on General File.

LEGISLATIVE BILL 417. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

FA18

1. On page 3, line 2, after the period insert:

"To be eligible for the incentive, the student shall have enrolled as a first year nursing student during academic year 1989-1990, 1990-1991, or 1991-1992."

GENERAL FILE

LEGISLATIVE BILL 48. Considered.

Mr. Bernard-Stevens moved to indefinitely postpone LB 48.

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 lost with 24 ayes, 10 nays, and 15 not voting.

Mr. Bernard-Stevens withdrew his pending motion to indefinitely postpone.

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.

Mrs. Nelson moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Beck	Byars	Chambers	Coordsen

Crosby	Kristensen	Nelson	Schimek	Wehrbein
Dierks	Lamb	Pirsch	Scofield	Weihing
Hefner	Landis	Rogers	Smith	Wesely
Johnson, L.	Morrissey	Schellpeper	Warner	Withem
Korshoj				

Voting in the negative, 12:

Abboud	Haberman	Johnson, R.	Lindsay	Moore
Baack	Hall	Labedz	Lynch	Schmit
Goodrich	Hannibal			

Present and not voting, 8:

Bernard-Stevens	Beyer	Conway	Hartnett	Robak
	Chizek	Elmer	Langford	

Excused and not voting, 3:

Barrett	McFarland	Peterson

Advanced to E & R for Review with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 231. Title read. Considered.

Standing Committee amendments, AM0084, found in the Journal on page 474 for the Sixteenth Day, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Standing Committee amendments, AM0082, found in the Journal on page 474 for the Sixteenth Day, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 21.

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendment, AM0083, found in the Journal on page 477 for the Sixteenth Day, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 56. 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 127. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM0144, found in the Journal on page 525.

MR. LAMB PRESIDING

The Hefner 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 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 167. 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 184. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 185. Title read. Considered.

SPEAKER BARRETT PRESIDING

Mr. Schmit offered the following amendment:
FA19
to add the Emergency Clause to LB 185.

The Schmit amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 443. Placed on General File.

LEGISLATIVE BILL 556. Placed on General File as amended.
Standing Committee amendment to LB 556:
AM0199
1. On page 2, line 2, after "supersedeas" insert ", injunction".

(Signed) Jerry Chizek, Chairperson

Urban Affairs

LEGISLATIVE BILL 421. Placed on General File as amended.
Standing Committee amendments to LB 421:
AM0181
1. Strike the original sections and insert the following new sections:

"Section 1. That section 16-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-117. (1) The corporate limits of a city of the first class shall remain as before, and the mayor and council may by ordinance, except as provided in sections 13-1111 to 13-1118~~, and amendments thereto~~ and subject to subsections (3) through (6) of this section, at any time, include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

(2) The invalidity of the annexation of any tract of land in one ordinance shall not affect the validity of the remaining tracts of land which are annexed by the ordinance and which otherwise conform to state law.

(3) The city council desiring to annex land under the authority of this section shall first adopt both a resolution stating that the city is considering the annexation of the land and a plan for extending city services to the land. The resolution shall state:

(a) The time, date, and location of the public hearing required by subsection (5) of this section;

(b) A description of the boundaries of the land proposed for annexation; and

(c) That the plan of the city for the extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

(4) The plan adopted by the city council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained at a level at least equal to the level of

services provided before the annexation, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a sketch clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the present and proposed extension of streets, water mains, sewers, and other city utility lines as well as the general land-use pattern in the land proposed for annexation.

(5) A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

(6) A copy of the resolution providing for the public hearing shall be published in the official newspaper in the city not less than ten days preceding the date of the public hearing. A sketch delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

Sec. 2. That section 16-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-120. The inhabitants of territories annexed to such city shall receive substantially the ~~benefits~~ services of other inhabitants of such city as soon as practicable. Adequate ~~, and adequate~~ plans and necessary city council action to furnish such ~~benefits as police, fire, snow removal, and water service must~~ services shall be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such city, except that the ~~; PROVIDED, that such~~ one-year period shall be tolled pending final court decision in any court action to contest such annexation.

Sec. 3. That original sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 516. Placed on General File as amended.

Standing Committee amendments to LB 516:
AM0182

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 1, line 5, strike "and", and after "section" insert "; and to declare an emergency".
3. On page 2, line 20, after "lost" insert "all or substantially all".

LEGISLATIVE BILL 173. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1989, at 10:09 a.m., were the following bills: 33 and 34.

(Signed) Randall S. Tippen, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 617	Friday, February 10, 1989	1:30 p.m.
LB 696	Friday, February 10, 1989	1:30 p.m.
LB 730	Friday, February 10, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Appropriations

LB 473	Friday, February 10, 1989	1:30 p.m.
LB 275	Friday, February 10, 1989	1:30 p.m.
LB 683	Friday, February 10, 1989	1:30 p.m.
LB 96	Friday, February 10, 1989	1:30 p.m.
LB 98	Friday, February 10, 1989	1:30 p.m.
LB 430	Thursday, February 16, 1989	1:30 p.m.
LB 118	Thursday, February 16, 1989	1:30 p.m.
LB 268	Thursday, February 16, 1989	1:30 p.m.
LB 428	Thursday, February 16, 1989	1:30 p.m.
LB 525	Thursday, February 16, 1989	1:30 p.m.

LB 536	Thursday, February 16, 1989	1:30 p.m.
LB 600	Thursday, February 16, 1989	1:30 p.m.
LB 645	Thursday, February 16, 1989	1:30 p.m.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 342. Title read. Considered.

Standing Committee amendments, AM0106, found in the Journal on page 491 for the Seventeenth Day, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendments, AM0110, found in the Journal on page 491 for the Seventeenth Day, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0157.)

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Standing Committee amendment, AM0125, found in the Journal on page 492 for the Seventeenth Day, lost with 14 ayes, 15 nays, 15 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendments to LB 214:
AM0190

1. Strike original sections 1 to 6 and insert the following new sections:

"Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Property and Casualty Insurance Data Reporting Act.

Sec. 2. For purposes of the Property and Casualty Insurance Data Reporting Act:

(1) Department shall mean the Department of Insurance; and

(2) Director shall mean the Director of Insurance.

Sec. 3. The Legislature finds and declares that policymakers, regulators, and the public need relevant and verifiable information on the property and casualty insurance industry. The purpose of the Property and Casualty Insurance Data Reporting Act is to provide state policymakers, regulators, and the public with accessible information on the solvency and profitability of the property and casualty insurance industry and on the market availability of the industry's products, with an emphasis on liability lines of insurance.

Sec. 4. As a condition of doing business in this state, each property and casualty insurer licensed to transact the business of insurance, unless otherwise provided by Chapter 44, shall, in addition to any other reports required, at least annually report financial and market availability information and statistical data to the director. Such information and data shall be submitted in the manner, form, and detail provided for in rules and regulations adopted and promulgated by the director pursuant to the Property and Casualty Insurance Data Reporting Act. The rules and regulations may provide for reporting or transmitting such information and statistical data through a licensed statistical agent. The director may enter into agreements with qualified data collection service corporations, associations, or other entities to compile and analyze the data collected pursuant to the act. Upon application by a statistical agent or an individual insurer, the director may allow the submission of a

report or statistical data at a specified later date if the director finds that the timely submission would create a substantial hardship on the statistical agent or insurer.

Sec. 5. The director shall annually report to the Legislature information on the property and casualty insurance industry. Such report may be a supplement to the annual report required by section 44-113. The report shall name each domestic insurer which is in formal supervision, conservatorship, or liquidation and shall provide an evaluation of the insurance coverages which have been identified by the director as causing or contributing to problems in the insurance marketplace due to their cost, their availability, or other factors.

Sec. 6. The department may after notice and hearing adopt and promulgate rules and regulations necessary to carry out the provisions of the Property and Casualty Insurance Data Reporting Act.

Sec. 7. Failure to file the information required by section 4 of this act and the rules and regulations adopted and promulgated under such section shall be an unfair method of competition or an unfair or deceptive act and practice in the business of insurance subject to the provisions and penalties contained in Chapter 44, article 15.

Sec. 8. This act shall be operative on January 1, 1990.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendment to LB 320:
AM0192

1. On page 21, line 5, after "accountant" insert a comma, and after "or" insert "the director may in lieu of such statement accept".

LEGISLATIVE BILL 326. Placed on General File as amended.
Standing Committee amendments to LB 326:

AM0171

1. Insert the following new section:

"Sec. 2. That section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239.01. (1) ~~As used in~~ For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska, which shall consist of the systematic identification of exposures to risk of loss as provided in ~~this act~~ sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to ~~this act~~ such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in ~~this act~~ such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and to establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services is purchased, enter into such contracts ~~of insurance~~ on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and to authorize payment for such purchase ~~of insurance~~ out of the appropriate funds created by sections 44-1630 and 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 44-1622, 44-1623, and 44-1630 and section 1 of this act;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska and the University of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of ~~this act~~ sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and to make appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager.".

2. On page 2, line 6, strike "either" and insert "(1)"; in line 7 strike "or" and insert ", (2)"; in line 8 reinstate the stricken comma and after the reinstated comma insert "or (3) use any combination of self-insurance and insurance"; and in line 9 after "employees" insert "and other persons authorized to operate a vehicle by an agency".

3. On page 3, line 4, strike "section 60-1008" and insert "sections 60-1008 and 81-8,239.01"; and in line 5 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 334. Placed on General File as amended.
Standing Committee amendment to LB 334:
AM0193

1. On page 3, line 5, after "has" insert ", by certified or registered mail with postage prepaid and return receipt requested," and after "mailed" insert "to and received at the last-known address of the trustee being replaced"; and strike beginning with "by" in line 5 through the comma in line 7.

(Signed) Dave Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 354. Placed on General File.
LEGISLATIVE BILL 362. Placed on General File.
LEGISLATIVE BILL 489. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 121. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 473. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 183. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 317	Tuesday, March 7, 1989	1:30 p.m.
LB 675	Wednesday, March 8, 1989	1:30 p.m.
LB 677	Wednesday, March 8, 1989	1:30 p.m.
LB 672	Monday, March 13, 1989	1:30 p.m.
LB 770	Monday, March 13, 1989	1:30 p.m.

LB 518	Wednesday, February 22, 1989	1:30 p.m.
LB 258	Friday, February 24, 1989	1:30 p.m.
LB 470	Friday, February 24, 1989	1:30 p.m.
LB 602	Tuesday, February 28, 1989	1:30 p.m.
LB 796	Tuesday, February 28, 1989	1:30 p.m.
LB 797	Tuesday, February 28, 1989	1:30 p.m.
LB 305	Wednesday, March 1, 1989	1:30 p.m.
LB 716	Thursday, March 2, 1989	1:30 p.m.
LB 735	Friday, March 3, 1989	1:30 p.m.
LB 743	Thursday, March 9, 1989	1:30 p.m.
LB 310	Thursday, March 16, 1989	1:30 p.m.
LB 469	Thursday, March 16, 1989	1:30 p.m.
LB 727	Friday, March 17, 1989	1:30 p.m.
LB 303	Wednesday, March 1, 1989	6:00 p.m.
LB 309	Wednesday, March 1, 1989	6:00 p.m.

Agency Budget Hearings

Agency budget hearings include agency and public testimony on the Appropriations Committee preliminary recommendation; the Governor's recommendation as contained in LB 301, LB 302, LB 304, LB 307, and LB 308; and other funding requests as may be presented by agencies or the general public as it relates to the respective agency subject area.

Monday, February 13, 1989, Room 1003 1:30 p.m.
Public hearing on the Governor's pre-disbursement plan for use of the Nebraska Energy Settlement Fund

Tuesday, February 21, 1989, Room 1003 1:30 p.m.
Agency 45 Board of Barber Examiners
Agency 63 Board of Public Accountancy
Agency 32 Educational Lands & Funds
Agency 62 Board of Examiners Land Surveyors

Agency 58 Board of Engineers and Architects
Agency 66 Board of Examiners Abstracters
Agency 73 Board of Landscape Architects

Wednesday, February 22, 1989, Room 1003 1:30 p.m.
Agency 18 Dept. of Agriculture (Potato Board)
Agency 18 Dept. of Agriculture (Soybean Board)
Agency 18 Dept. of Agriculture (Grain Sorghum Board)
Agency 18 Dept. of Agriculture (Poultry and Egg Board)
Agency 60 Nebraska Gasohol Committee
Agency 42 Nebraska Beef Board
Agency 56 Nebraska Wheat Board
Agency 86 Dry Bean Commission
Agency 88 Nebraska Corn Board

Thursday, February 23, 1989, Room 1003 1:30 p.m.
Agency 30 State Electrical Board
Agency 74 Power Review Board
Agency 14 Public Service Commission
Agency 19 Dept. of Banking
Agency 22 Dept. of Insurance
Agency 35 Liquor Control Commission
Agency 41 Real Estate Commission

Friday, February 24, 1989, Room 1003 1:30 p.m.
Agency 10 State Auditor
Agency 09 Secretary of State
Agency 12 State Treasurer
Agency 21 State Fire Marshal
Agency 87 Political Accountability/Disclosure
Agency 28 Dept. of Veterans Affairs

Monday, February 27, 1989, Room 1003 1:30 p.m.
Agency 36 Nebraska Racing Commission
Agency 52 State Board of Agriculture
Agency 31 Military Department
Agency 33 Game & Parks Commission
Agency 54 Nebraska State Historical Society

Tuesday, February 28, 1989, Room 1003 1:30 p.m.
Agency 27 Dept. of Roads
Agency 17 Dept. of Aeronautics
Agency 90 Branch Rail Revitalization Council

Agency 40 Motor Vehicle Dealers Licensing Brd.
Agency 24 Dept. of Motor Vehicles

Wednesday, March 1, 1989, Room 1003 1:30 p.m.
Agency 23 Dept. of Labor
Agency 37 Worker's Compensation Court
Agency 75 Nebraska Investment Council
Agency 85 Employees Retirement Board
Agency 77 Commission on Industrial Relations
Agency 80 Dept. of Personnel

Thursday, March 2, 1989, Room 1003 1:30 p.m.
Agency 55 Natural Resources Commission
Agency 43 State Athletic Commissioner
Agency 57 Nebraska Oil & Gas Commission
Agency 39 Nebraska Brand Committee
Agency 18 Dept. of Agriculture
Agency 29 Dept. of Water Resources
Agency 84 Dept. of Environmental Control

Friday, March 3, 1989, Room 1003 1:30 p.m.
Agency 48 Postsecondary Education Coord. Comm.
Agency 83 Technical Community Colleges

Monday, March 6, 1989, Room 2414 1:30 p.m.
Agency 70 Foster Care Review Board
Agency 26 Dept. of Social Services
Social Services Block Grant
Low Income Energy Assistance Block Grant
Community Services Block Grant

Tuesday, March 7, 1989, Room 2414 1:30 p.m.
Agency 25 Dept. of Public Institutions
Alcohol, Drug Abuse and Mental Services Block Grant
Agency 20 Dept. of Health
Health and Prevention Services Block Grant
Maternal and Child Health Block Grant
Primary Care Block Grant

Wednesday, March 8, 1989, Room 2414 1:30 p.m.
Agency 64 Nebraska State Patrol
Agency 05 Supreme Court
Agency 11 Attorney General
Agency 15 Board of Pardons and Parole

Agency 46 Dept. of Correctional Services
Agency 78 Crime Commission

Thursday, March 9, 1989, Room 1003 1:30 p.m.
Agency 71 Department on Aging
Agency 38 Commission on Status of Women
Agency 67 Equal Opportunity Commission
Agency 68 Mexican-American Commission
Agency 72 Nebraska Indian Commission

Monday, March 13, 1989, Room 2414 1:30 p.m.
Agency 49 Board of Trustees - State Colleges
Agency 50 Nebraska State Colleges

Tuesday, March 14, 1989, Room 2414 1:30 p.m.
Agency 51 University of Nebraska

Wednesday, March 15, 1989, Room 2414 1:30 p.m.
Agency 47 Educational Telecommunications Comm.
Agency 34 Nebraska Library Commission
Agency 13 Dept. of Education
Education Block Grant
Agency 82 Commission on Hearing Impaired
Agency 69 Nebraska Arts Council

Thursday, March 16, 1989, Room 1003 1:30 p.m.
Agency 72 Dept. of Economic Development
Community Development Block Grant
Agency 16 Dept. of Revenue
Agency 89 State Claims Board
Agency 65 Dept. of Administrative Services

Statewide Distributed Data Processing Network-Recommendations of the Intergovernmental Data Communications Advisory Council

Friday, March 17, 1989, Room 1003 1:30 p.m.
Agency 04 Policy Research Office / Nebr. Energy Office
Agency 07 Governor
Agency 08 Lt. Governor
Agency 03 Legislative Council

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were Ron Zeiger, Jim Eisenhauer, Alton Gartner, Gerald Guering, Bill Vogt, Bob Brandt, and Bob Hallstrom from Unadilla.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Friday, February 3, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 3, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Wayne Hineman, Rosemont Alliance, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Peterson who were excused; and Messrs. Abboud, Ashford, Beyer, Chambers, R. Johnson, Lamb, Moore, Morrissey, Wehrbein, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 48. Placed on Select File.

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendment to LB 231:
AM5033
1. On page 1, strike beginning with "provide" in line 3 through "decree" in line 6 and insert "change

medical history requirements in adoption proceedings".

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendment to LB 273:
AM5034

1. On page 1, strike beginning with "section" in line 1 through line 5 and insert "sections 71-5102, 71-5108, and 71-5111, Revised Statutes Supplement, 1988; to authorize physician assistants to occupy ambulances for transportation of patients; to provide immunity from liability for such services; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 366. Placed on Select File.
LEGISLATIVE BILL 56. Placed on Select File.
LEGISLATIVE BILL 127. Placed on Select File.
LEGISLATIVE BILL 167. Placed on Select File.

LEGISLATIVE BILL 184. Placed on Select File as amended.
E & R amendments to LB 184:
AM5035

1. On page 2, line 25, strike "licensee", show as stricken, and insert "permitholder".
2. On page 3, line 2, after "parts" insert an underscored comma; in line 19 strike "licensee" and insert "permitholder"; and strike beginning with "holder" in line 23 through "permit" in line 24, show as stricken, and insert "permitholder".
3. On page 4, line 21, strike the comma and show as stricken; and in line 24 strike the comma.

LEGISLATIVE BILL 185. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

ATTORNEY GENERAL'S OPINION

February 2, 1989

The Honorable Rex Haberman
State Senator, District 44
1018 State Capitol
Lincoln, Nebraska 68509

Dear Senator Haberman:

You have requested that this office render an opinion to you on LB 804 of the First Session in the Ninety-first Legislature regarding valuation of agricultural land for tax purposes. We believe that we have issued an opinion to you on March 22, 1988, #88026 which would be responsive to your inquiry regarding the most recent Nebraska Supreme Court case entitled Equitable Life v. Lincoln City Board of Equalization and LB 804 of the First Session of the Ninety-first Legislature.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) A. Eugene Crump
Deputy Attorney General

2-462-8

cc Clerk of the Legislature

Attachment: #88026 Attorney General Opinion

MESSAGE FROM THE GOVERNOR

January 13, 1989

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 Power Review Board, requiring legislative confirmation.

Appointee:
Mark A. Hunzeker, 2340 Sheridan Blvd., Lincoln, NE 68502, (402) 476-7621.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORT

Received report from the Nebraska Energy Office of the Natural Gas Revolving Loan Fund as required by Section 19-4617, R.R.S. 1943.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 22.

MOTION - Approve Appointments

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 555: Wynn Smithberger Nuckolls and Andrew C. Hove, Jr. - Board of Trustees of Nebraska State Colleges.

Voting in the affirmative, 28:

Barrett	Crosby	Hefner	McFarland	Schimek
Beck	Dierks	Johnson, L.	Nelson	Schmit
Bernard-Stevens	Haberman	Korshoj	Pirsch	Scofield
	Hall	Kristensen	Robak	Wesely
Byars	Hannibal	Landis	Rogers	Withem
Conway	Hartnett	Langford	Schellpeper	

Voting in the negative, 0.

Present and not voting, 9:

Baack	Elmer	Lindsay	Smith	Weihing
Coordsen	Goodrich	Lynch	Warner	

Excused and not voting, 12:

Abboud	Chambers	Labedz	Moore	Peterson
Ashford	Chizek	Lamb	Morrissey	Wehrbein
Beyer	Johnson, R.			

These appointments were confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 23. Read. Considered.

LR 23 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 195. 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 92. Title read. Considered.

Standing Committee amendments, AM0054, printed separately from the Journal and referred to on page 452 for the Fifteenth Day, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis renewed his pending amendment, AM0140, found in the Journal on page 549.

SPEAKER BARRETT PRESIDING

The Landis amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 318. Placed on General File as amended.
Standing Committee amendment to LB 318:
AM0191

1. Strike the original sections and insert the following new sections:

"Section 1. An employer or employer trust group policy or contract delivered or issued for

delivery in this state which provides coverage to a group which, based on the number of employees, is not a group subject to section 162(k) of the Internal Revenue Code and which provides hospital, surgical, or major medical coverage, or any combination of such coverages, on an expense incurred or service basis by an insurance company or health maintenance organization for employees or their families, but not a policy or contract which provides benefits for specific diseases or for accidental injuries only, shall provide that an employee whose hospital, surgical, or major medical coverage under the group policy or contract would otherwise be terminated because of the involuntary termination of employment of such employee, for reasons other than misconduct in connection with employment, shall be entitled to continue such coverage subject to the provisions of the group policy or contract and the following conditions:

(1) Such coverage shall be continued on a monthly renewal basis until the earliest of the following dates:

(a) The date of expiration of a period of six months following the date the coverage of the terminated employee would otherwise be terminated;

(b) The date the terminated employee becomes eligible for other group hospital, surgical, or medical coverage, whether insured or self-insured, or the date the terminated employee becomes eligible for medicare;

(c) The date of expiration of the monthly period for which premiums were paid in the event of a nonpayment of premium;

(d) The date the terminated employee exercises the privilege provided under the group policy or contract for conversion to an individual or family policy or contract; or

(e) The date on which the group insurance policy or health maintenance organization agreement is terminated or the date the employer or employer trust trustee terminates participation under such policy or agreement;

(2) The monthly premium rate to be charged for such coverage shall not exceed one hundred two percent of the total premium which would have been charged for such coverage had the terminated employee still been a

member of the insured group. Such total premium rate shall be paid by the terminated employee. The experience of such coverage shall be charged to the group policy or contract which is in force; and

(3) The interruption of employment due to a labor dispute shall not be considered to be an involuntary termination of employment.

Sec. 2. Not later than ten days following the date of termination of employment of the employee, the employer shall send a notice by certified mail with return receipt requested to the terminated employee at his or her home address as shown on the records of the employer. Such notice shall set forth (1) the right of the terminated employee to elect to continue coverage in accordance with section 1 of this act and the election form to be used in exercising such right, (2) the amount of each monthly premium to be paid by the terminated employee, and (3) the manner, time, and to whom the election form shall be completed and returned and each monthly premium shall be paid.

Sec. 3. If the terminated employee elects to continue such coverage, the election form and the first monthly premium shall be sent by certified mail with return receipt requested to the insurance company or health maintenance organization within ten days after the date of receipt of the notice. Premiums for each subsequent month shall be paid by the terminated employee without further notice to the insurance company or health maintenance organization.

Sec. 4. An employer or employer trust group policy or contract delivered, issued for delivery, or renewed in this state which provides coverage to a group which, based on the number of employees, is not a group subject to section 162(k) of the Internal Revenue Code and which provides hospital, surgical, or major medical coverage, or any combination of such coverages, on an expense incurred or service basis by an insurance company or health maintenance organization for employees and their dependants, but not including any policy or contract which provides benefits for specific diseases or for accidental injuries only, shall provide that the covered surviving spouse or covered dependant children whose hospital, surgical, or major medical coverage under the group policy or contract would otherwise be

terminated because of the death of such employee shall be entitled to continue such coverage subject to the provisions of the group policy or contract and the following conditions:

(1) Such coverage shall be continued on a monthly renewable basis until the earliest of the following dates:

(a) The date the covered surviving spouse or covered dependent children become eligible for other group hospital, surgical, or major medical coverage, whether insured or self-insured, and with respect to the covered surviving spouse, the date such spouse remarries or the date such spouse becomes eligible for medicare or is covered by medicaid;

(b) The date of expiration of the monthly period for which premiums were paid for the covered surviving spouse or covered dependent children in the event of nonpayment of premium;

(c) The date the covered surviving spouse or covered dependent children exercise any privilege provided under the group policy or contract for conversion to an individual or family policy or contract;

(d) The date on which the group insurance policy or health maintenance organization agreement is terminated or the date the employer or employer trust trustee terminates participation under such policy or agreement; or

(e) The date of expiration of a period of one year following the date the coverage of the deceased employee would otherwise terminate; and

(2) The monthly premium rate to be charged for such coverage shall not exceed one hundred two percent of the total premium which would have been established for such coverage for the covered surviving spouse or covered dependent children had the deceased employee still been a member of the insured group. Such total premium rate shall be paid by the covered surviving spouse or covered dependent children. The experience of such coverage shall be charged to the group policy or contract which is in force.

Sec. 5. Not later than ten working days following the date of the death of the employee, the employer shall send a notice by certified mail with

return receipt requested to the covered surviving spouse or, if there is no covered surviving spouse, to any covered dependent children of the deceased employee, at his, her, or their home address as shown on the records of the employer. Such notice shall set forth (1) the right of the covered surviving spouse or the covered surviving dependent children to elect to continue coverage in accordance with section 4 of this act and the election form to be used in exercising such right, (2) the amount of each monthly premium to be paid by the covered surviving spouse or covered surviving dependent children, and (3) the manner, time, and to whom the completed election form shall be returned and each monthly premium shall be paid.

Sec. 6. If the covered surviving spouse or covered surviving dependent children elect to continue such coverage, the election form and the first monthly premium shall be sent by certified mail with return receipt requested to the insurance company or health maintenance organization within thirty-one days after the date of the death of the employee. Premiums for each subsequent month shall be paid by the covered surviving spouse or covered surviving dependent children without further notice.".

(Signed) Dave Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 2, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ayres, Joseph Warren - Lincoln	Nebraska Society of Radiologic Technologists (Withdrawn 89/01/31)
Black, Walsh, Robinson & Associates	
Robinson, Al - North Platte	Nebraska Society of Radiologic Technologists
Cavanaugh, James P. - Omaha	Peoples Natural Gas

DeCamp Legal Services, P.C. DeCamp, John - Lincoln	Chef Reddy Foods, Inc. Vision 20/20 Association
Leising, Donald L. - Lincoln	Nebraska State Association of Life Underwriters
Miller, Wayne - Lincoln	Nebraska State Association of Life Underwriters
Moen, Thomas E. - Omaha	Omaha Police Union Local 101
Rasmussen, Dennis - Lincoln	Mid-America Lumbermens Association

RESOLUTION

LEGISLATIVE RESOLUTION 24. Introduced by Coordsen, 32nd District; Hall, 7th District.

WHEREAS, in 1988 the Ninetieth Legislature established a Select Committee on Rural-Urban Renewal and Restoration and directed the special committee to undertake a special research effort on a comprehensive policy on rural communities; and

WHEREAS, the select committee was directed to identify and inventory rural development programs and providers in this state, and that task has been completed; and

WHEREAS, the select committee was also directed to assess rural revitalization practices in this state and other states and evaluate specific programs and practices to determine their policy implications, and that work is in progress; and

WHEREAS, the select committee was directed to develop recommendations on statewide policies for rural revitalization and restoration of rural-urban links; and

WHEREAS, the select committee has determined that, in keeping with the approval of the Legislature's New Horizons process, the task of formulating a statewide rural development strategy can best be accomplished by involving a group of rural citizens and program providers in a joint effort to create the strategy.

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

1. That the Executive Board of the Legislative Council reauthorize the work of the Select Committee on Rural-Urban Renewal and Restoration. The chairperson of the Agriculture Committee of the Legislature shall appoint new members to fill existing vacant positions, and all present members shall continue to serve.

2. That the select committee continue its work in the following manner:

(a) Identify and select a group of rural citizens and program providers to help the select committee formulate a sustainable rural development strategy and program;

(b) Request that members of the group of persons selected review and comment on rural development initiatives considered by the Legislature; and

(c) Direct the Legislative Research Division to evaluate specific rural development programs to determine how well they serve rural development needs identified by the select committee and its advisory group. Evaluations of all public business lending programs and public agricultural lending programs shall be completed. The review of agricultural lending shall be done in cooperation with the Agriculture Committee of the Legislature. The Legislative Research Division shall also review and participate in the Rural Development Demonstration Project of the Nebraska Private Industry Council as a means of determining the project's usefulness as a model for state program development.

3. That the select committee report its evaluation, review findings, and recommended rural revitalization strategy to the Executive Board of the Legislative Council prior to the 1990 legislative session.

4. That the select committee and its advisory group focus its efforts on developing a sustainable program of rural development which meets long-term strategies established through the Legislature's New Horizons process. The select committee is directed to consider how state actions can better support local initiatives, build strong connections between citizens in urban and rural communities of all sizes and needs, and support all rural communities in each of the state's distinct regions.

Referred to the Executive Board.

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.

Connie Witt - Public Employees Retirement Board
Alcurtis Robinson - Public Employees Retirement Board
Barbara Coats Grabowski - Public Employees Retirement Board

Voting aye: Senators Haberman, Coordsen, Elmer, and Schellpeper. Absent: Senators Abboud and Warner.

(Signed) Rex Haberman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Messrs. McFarland and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

MESSAGES FROM THE GOVERNOR

February 1, 1989

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:
Donald D. McCall, 2909 Bonacum Drive, Lincoln, NE 68502, (402) 475-6702.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 1, 1989

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:
Marc W. Anthony, 2901 8th Avenue, Scottsbluff, NE 69361, (308) 632-0659.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 440. Placed on General File.

LEGISLATIVE BILL 154. Placed on General File as amended.
Standing Committee amendments to LB 154:
AM0173

1. Strike original section 1.
2. On page 21, line 2, strike "sections 53-103 and" and insert "section"; and in line 3 strike "are" and insert "is".
3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendments to LB 441:
AM0172

1. Insert the following new sections:
"Sec. 8. This act shall become operative on

May 1, 1989.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber remaining section accordingly.

LEGISLATIVE BILL 153. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 338A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 338, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 378A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 412A. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 412, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 459. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 458. Title read. Considered.

Standing Committee amendments, AM0122, found in the Journal on page 495 for the Seventeenth Day, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Mr. Chambers offered the following amendment:
FA20

Page 2, line 8. after "prostitution.", add "No person who engages in an act of prostitution or who solicits such as act shall be competent to testify in any proceeding against any person with whom he or she commits such act or from whom he or she solicits such act."

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Baack	Byars	Haberman	Schimek	Smith
Bernard-Stevens	Chambers	Moore	Schmit	Weihing
	Conway	Morrissey		

Voting in the negative, 26:

Abboud	Crosby	Johnson, L.	Langford	Schellpeper
Ashford	Elmer	Kristensen	Lindsay	Warner
Barrett	Hall	Labedz	Lynch	Wehrbein
Beck	Hannibal	Lamb	Nelson	Wesely
Beyer	Hefner	Landis	Pirsch	Withem
Coordsen				

Present and not voting, 7:

Dierks	Hartnett	Robak	Rogers	Scofield
Goodrich	Korshoj			

Excused and not voting, 4:

Chizek	Johnson, R.	McFarland	Peterson

The Chambers amendment lost with 12 ayes, 26 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 23.

GENERAL FILE

LEGISLATIVE BILL 116. Considered.

Messrs. Lynch and Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Lindsay requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Dierks	Hartnett	Lamb	Nelson
Ashford	Elmer	Hefner	Landis	Pirsch
Barrett	Goodrich	Johnson, L.	Langford	Schellpeper
Beck	Hall	Kristensen	Lindsay	Wehrbein
Beyer	Hannibal	Labedz	Moore	Wesely
Byars				

Voting in the negative, 14:

Baack	Chambers	Morrissey	Schmit	Warner
Bernard-Stevens	Conway	Robak	Scofield	Weihing
	Crosby	Schimek	Smith	Withem

Present and not voting, 2:

Korshoj Rogers

Excused and not voting, 7:

Chizek	Haberman	Lynch	McFarland	Peterson
Coordsen	Johnson, R.			

Advanced to E & R for Review with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 342. Placed on Select File as amended.
E & R amendments to LB 342:
AM5036

1. On page 3, line 19, strike "; and for", show as stricken, and insert ". For".
2. On page 4, line 4, strike the new matter and insert "the act".
3. On page 16, line 21; and page 17, line 16, strike the first comma and show as stricken.
4. On page 19, line 18; page 20, line 14; page 45, line 14; and page 46, line 19, strike both commas and show as stricken and before "territory" insert "or".
5. On page 19, line 20; and page 22, line 22, strike the second "the" and show as stricken.
6. On page 20, line 2, strike the first "the" and show as stricken; and in line 19 strike "the" and show as stricken.
7. On page 24, line 3, strike "the" and show as stricken.
8. On page 25, line 25, strike "or".
9. On page 26, line 13, strike the comma, show as stricken, and insert "or"; and in line 14 strike

the first comma and show as stricken.

10. On page 29, line 4, after "territory" insert "or the District of Columbia".

11. On page 30, line 22, after "Administration" insert "or after March 14, 1989, United States Department of Veterans Affairs".

12. On page 34, line 3, strike "its", show as stricken, and insert "their".

13. On page 38, line 20, strike the last comma and show as stricken.

14. On page 39, line 15, after the second comma insert "or" and strike the last comma and show as stricken.

15. On page 44, line 10, after "nurses" insert an underscored comma; and in line 24 strike the semicolon and insert an underscored comma.

16. On page 45, line 2, strike the semicolon, show as stricken, and insert an underscored comma.

17. On page 65, line 18, strike "or", show as stricken, and insert an underscored comma; and in line 19 after "surgery" insert an underscored comma.

18. On page 75, line 14, strike "or" and show as stricken; and in line 15 after "surgery" insert an underscored comma.

19. On page 88, line 22, after "to" insert an underscored comma.

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendments to LB 344:
AM5037

1. On page 1, strike beginning with "28-343" in line 1 through line 6 and insert "28-343, 42-106, 71-1,132.13, 71-1,132.37, 71-388, 71-604, 71-605, 71-606, 71-612, 71-615, 71-1723, 71-2033, 71-2035, 71-3702, 71-3703, 71-3704, 71-5311, 71-6106, and 71-6107, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-2041.02, 71-2045.01, 71-2225 to 71-2230, 71-3705, and 71-4706, Revised Statutes Supplement, 1988;".

2. On page 2, line 2, strike "or" and insert a comma; and in line 3 after "certification" insert ", or registration".

3. On page 16, line 23, strike "Veterans' ", show as stricken, and insert "Veterans".

4. On page 31, line 23, after "of" insert "the".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 250. Placed on General File as amended.
Standing Committee amendments to LB 250:
AM0202

1. On page 2, strike line 14 and insert "(4) Training in human relations shall mean training offered by each standard institution of higher education through a course or combination of courses and evidenced by a voucher verifying that such training has in fact been offered to each graduate of such institution. Such training shall be designed to lead to the following skills:"; and in line 17 strike "various subgroups in our" and insert "a pluralistic".

2. On page 3, line 7, strike "various subgroups of" and insert "groups in a pluralistic"; in line 23 after "(c)" insert "training in human relationships. This subdivision shall apply to the issuance of first certificates or permits issued after January 1, 1990, and to the issuance of renewal certificates or permits issued after January 1, 1993, (d)"; in line 24 strike "(d)", show as stricken, and insert "(e)"; and in line 25 strike "(e)", show as stricken, and insert "(f)".

(Signed) Ron Withem, Chairperson

Health and Human Services

LEGISLATIVE BILL 157. Placed on General File.
LEGISLATIVE BILL 360. Placed on General File.
LEGISLATIVE BILL 520. Placed on General File.

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 340. Placed on General File as amended.

Standing Committee amendments to LB 340:
AM0212

1. On page 3, line 2, strike "descendants" and insert "relatives"; and in line 25, strike "or unless" and insert ", such sites need to be moved for a highway, road, or street construction project, or".

2. On page 4, line 10, strike "a human body" and insert "specific human remains"; in line 11 strike "body" and insert "remains"; in line 12 strike "any" and insert "the specific"; and in line 13 after "where" insert "any" and after "buried" insert "and the immediately surrounding area".

3. On page 6, strike beginning with "with" in line 24 through "identification" in line 25.

4. On page 7, line 1, strike "persons or" and insert "known relatives in the order listed in section 71-1339 or, if no relatives are known, any"; in line 3 after "goods" insert "in order", after "ascertain" insert "and follow", and strike "person" and insert "relative"; in line 5 strike ", if requested" and strike "person" and insert "relative"; in line 6 strike the comma; strike line 7 and insert "relative or Indian tribe. In cases in which reasonably identifiable American Indian human skeletal remains or burial goods are unclaimed by the appropriate relative or tribe, any such remains or goods"; in line 8 strike "or goods"; in line 11 strike "when unclaimed" and insert "in which human skeletal"; in line 12 after "or" insert "burial" and after "goods" insert "that are unidentifiable as to familial or tribal origin"; in line 20 after "of" insert "Nebraska"; and in line 25 after "goods" insert "of American Indian origin which are reasonably identifiable as to familial or tribal origin".

5. On page 8, strike beginning with the second comma in line 1 through the comma in line 2; in line 2 after "return" insert "any such remains and goods" and strike "descendants" and insert "relatives"; in line 3 strike "descendant" and after "tribes" insert "for reburial,"; in line 4 strike "descendants" and insert "relatives", strike "for reburial" and insert an underscored comma, and after "cause" insert "such remains and goods"; strike lines 6 through 11 and insert "section 8 of this act within one year of receiving such request, except that any such entity which has, prior to

January 1, 1989, received a written request from any relative or Indian tribe for the return of such reasonably identifiable remains and goods shall return to such relative or tribe for reburial all such remains and goods by September 10, 1989."; and in line 14 after "have" insert "intentionally".

6. On page 9, strike lines 8 through 16 and insert

"(b) The plaintiff may recover actual damages for each violation.".

(Signed) Dennis Baack, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 92A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Byars asked unanimous consent to have his name added as co-introducer to LB 732. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 325. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 289. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 603. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendments to LB 48 in the Journal. No objections. So ordered.

(1)

AM0223

1. On page 3, line 18, strike beginning with "an" through "public" and insert "any person under eighteen years of age".

(2)

AM0221

1. On page 2, strike beginning with the first comma in line 22 through line 25 and insert "of smokeless tobacco products or their representatives shall not distribute such products to persons under eighteen years of age.".

(3)

AM0215

1. On page 2, line 6, after the period insert "The Legislature further finds that additional restrictions are necessary to discourage the consumption of smokeless tobacco products by minors.".

(4)

AM0220

1. On page 2, line 9, after "distribution" insert "to persons under eighteen years of age".

(5)

AM0219

1. On page 2, line 9, strike "promotional".

(6)

AM0225

1. Insert the following new sections:

"Sec. 5. That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way, any tobacco in any form whatever, or any cigarettes, or cigarette paper, to any minor under eighteen years of age, shall be guilty of a Class III misdemeanor for each offense.

Sec. 6. That original section 28-1419, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Add underscoring to sections 1 to 4.

(7)

AM0222

1. On page 2, line 22, strike "(1)".
2. On page 3, strike lines 1 through 3.

(8)

AM0218

1. On page 2, line 8, strike "and discourage illegal activity".

(9)

AM0217

1. On page 2, line 7, strike "these" and insert "smokeless tobacco".

(10)

AM0216

1. On page 2, line 7, strike "control" and insert "regulate".

(11)

AM0213

1. On page 2, in lines 2 and 3 strike "tobacco products" and insert "cigarettes, cigars, or tobacco in any form"; and strike beginning with "and" in line 4 through "ineffective" in line 6.
2. In the Standing Committee amendment, AM0040, strike beginning with "in" in line 1 through "14" in line 2 and insert "line 14,".

(12)

AM0224

1. Insert the following new sections:

"Sec. 5. That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a~~ A minor under ~~the age of~~ eighteen years ~~, shall smoke~~ of age who purchases, possesses, or smokes cigarettes or cigars~~,~~ or ~~use~~ purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. Any minor ~~so~~ charged with ~~the~~ a

violation of this section may be free from prosecution when he or she furnishes ~~shall have furnished~~ evidence for the conviction of the person or persons selling or giving to him or her the cigarettes, cigars, or tobacco.

Sec. 6. That original section 28-1418, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Add underscoring to sections 1 to 4.

ADJOURNMENT

At 12:11 p.m., on a motion by Mrs. Beck, the Legislature adjourned until 9:00 a.m., Monday, February 6, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 6, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Baack, Byars, Conway, Goodrich, R. Johnson, Lynch, Morrissey, Wehrbein, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

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 587: Connie Witt - Public Employees Retirement Board, Alcurtis Robinson - Public Employees Retirement Board, and Barbara Coats Grabowski - Public Employees Retirement Board.

Voting in the affirmative, 32:

Abboud	Coordsen	Hartnett	McFarland	Schellpeper
Barrett	Crosby	Hefner	Moore	Schimek
Beck	Dierks	Korshoj	Peterson	Scofield
Bernard-Stevens	Elmer	Kristensen	Pirsch	Smith
	Haberman	Landis	Robak	Warner
Beyer	Hall	Langford	Rogers	Weihing
Chambers	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Lamb	Nelson	Schmit	Wesely
Johnson, L.				

Excused and not voting, 11:

Baack	Conway	Johnson, R.	Lynch	Wehrbein
Byars	Goodrich	Labedz	Morrissey	Withem
Chizek				

These appointments were confirmed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Mr. Chambers offered the following amendment:
FA21
Page 3, line 4, after "mean" strike all language through the period in line 5; insert "the time between sunrise and sunset".

Messrs. Korshoj, Weihing, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending amendment.

Mr. Chambers offered the following amendment:
FA22
P. 3, line 4, strike "6:00", insert "7:00"; line 5, strike "10:00", insert "8:00".

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 147. Placed on General File.
LEGISLATIVE BILL 224. Placed on General File.
LEGISLATIVE BILL 265. Placed on General File.
LEGISLATIVE BILL 397. Placed on General File.

(Signed) Jerry Chizek, Chairperson

Natural Resources

LEGISLATIVE BILL 132. Placed on General File.
LEGISLATIVE BILL 619. Placed on General File.
LEGISLATIVE BILL 623. Placed on General File.

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.

N. P. Dodge, Jr., - Power Review Board

Voting aye: Senators Schmit, Elmer, Morrissey, Smith, and Weihing. Absent: Senators Lamb, Beck, and Rod Johnson.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 661	Thursday, March 2, 1989	1:30 p.m.
LB 707	Thursday, March 2, 1989	1:30 p.m.
LB 793	Thursday, March 2, 1989	1:30 p.m.
LB 523	Thursday, March 2, 1989	1:30 p.m.
LB 655	Thursday, March 2, 1989	1:30 p.m.
LB 739	Friday, March 3, 1989	1:30 p.m.
LB 405	Wednesday, March 8, 1989	1:30 p.m.
LB 406	Wednesday, March 8, 1989	1:30 p.m.
LB 779	Wednesday, March 8, 1989	1:30 p.m.
LB 783	Wednesday, March 8, 1989	1:30 p.m.
LB 784	Wednesday, March 8, 1989	1:30 p.m.
LB 785	Wednesday, March 8, 1989	1:30 p.m.
LB 786	Wednesday, March 8, 1989	1:30 p.m.
LB 787	Wednesday, March 8, 1989	1:30 p.m.
LB 557	Thursday, March 9, 1989	1:30 p.m.
LB 566	Thursday, March 9, 1989	1:30 p.m.
LB 750	Thursday, March 9, 1989	1:30 p.m.
LB 581	Thursday, March 9, 1989	1:30 p.m.
LB 737	Thursday, March 9, 1989	1:30 p.m.
LB 599	Wednesday, March 15, 1989	1:30 p.m.
LB 403	Wednesday, March 15, 1989	1:30 p.m.
LB 404	Wednesday, March 15, 1989	1:30 p.m.

(Signed) Tim Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 208. Title read. Considered.

Standing Committee amendment, AM0136, found in the Journal on page 497 for the Seventeenth Day, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 338. Title read. Considered.

Messrs. Weihing and Rogers 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 lost with 18 ayes, 12 nays, and 19 not voting.

Mr. Haberman moved to indefinitely postpone LB 338.

PRESIDENT NICHOL PRESIDING

Mr. Moore 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.

The Haberman motion to indefinitely postpone lost with 5 ayes, 23 nays, 18 present and not voting, and 3 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 718	Tuesday, February 14, 1989 (cancelled)	1:30 p.m.
LB 718	Tuesday, February 21, 1989 (reset)	1:30 p.m.
LB 615	Tuesday, February 21, 1989 (cancelled)	1:30 p.m.
LB 615	Tuesday, February 14, 1989 (reset)	1:30 p.m.

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 357A. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 357, Ninety-first Legislature, First Session, 1989.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 195. Placed on Select File as amended.
E & R amendments to LB 195:
AM5038

1. On page 1, line 6, after "alcohol" insert "or of any controlled substance"; and in line 7 after the semicolon insert "to provide a fee;".
2. On page 3, line 21, after "except" insert "that".
3. On page 4, line 17, strike "alcoholic" and insert "alcohol"; and in line 21 strike the second "of".
4. On page 5, line 3, strike "alcoholic" and insert "alcohol"; and in lines 16 and 17 strike "sections 3 and 4" and insert "this section and section 3".
5. On page 7, line 25, strike "statute" and insert "law".
6. On page 8, in lines 1 and 4 strike "involving being in" and insert "regarding"; in lines 3 and 7 strike the comma; in line 18 strike the comma; and in line 20 after "which" insert "fee".
7. On page 9, line 18, strike the third "of" and insert "for".
8. On page 10, line 18, strike "alcoholic" and insert "alcohol" and strike "this" and insert "such".

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendment to LB 198:
AM5040

1. On page 9, line 10, strike "Veterans' Administration of the" and show as stricken; and in line 11 after "States" insert "Department of Veterans Affairs".

LEGISLATIVE BILL 209. Placed on Select File as amended.
E & R amendment to LB 209:
AM5039

1. On page 18, line 15, reinstate the stricken matter; and in line 20 strike the new matter.

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 25. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd 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, the University Hospital is confronted with the problem of delivering 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 University of Nebraska Medical Center Health Care Project in the amount of forty-one million seven hundred thousand dollars which is designed to address the medical center's capital facility needs for new educational and outpatient care facilities, operating room and central sterile supply facilities, and loading dock/warehouse facilities and for hospital and clinic space renovation without increasing the current number of hospital beds; and

WHEREAS, the University of Nebraska Medical Center has further proposed a seven hundred fifty stall offstreet parking structure project on Lot 2 of the medical center campus in the amount of six million one hundred thousand dollars which is designed to address the medical center's critical need for patient, visitor, and employee parking facilities.

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

1. That the Legislature approves implementation of the University of Nebraska Medical Center's proposed Health Care Project for new educational and outpatient care facilities, operating room and central sterile supply facilities, and loading dock/warehouse facilities and for hospital and clinic space renovation 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 approves the University of Nebraska Medical Center's proposed Lot 2 Parking Structure Project and approves the financing of such project through the issuance of bonds which will be repaid solely from medical center patient revenue and parking revenue from the project.

3. That the Legislature's foregoing approval of the University of Nebraska Medical Center's proposed Health Care Project and Lot 2 Parking Structure Project is subject and subordinate to the requirements of the Nebraska Health Care Certificate of Need Act and issuance of the necessary certificate or certificates of need pursuant to such act authorizing the University of Nebraska to implement such projects.

Laid over.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 155. Placed on General File as amended.
Standing Committee amendments to LB 155:
AM0176

1. Insert the following new sections:

"Sec. 5. The Nebraska State Patrol or local law enforcement agency may grant a waiver of the standards in section 2 of this act for reasons of safety or security. Such waiver shall be in writing and shall include the date issued, the vehicle identification number, registration number, or other description to clearly identify the motor vehicle to which the waiver applies, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver will be effective, and the signature of the head of the law enforcement agency granting the waiver. Such agency shall keep a copy of the waiver until the waiver expires.

Sec. 6. Sections 2 to 4 of this act shall not apply to the side or rear windows of funeral coaches, hearses, or other vehicles operated in the normal course of business by a funeral establishment licensed under section 71-1327.".

2. On page 6, line 2, strike ", 3, and 4" and insert "to 6".

3. Renumber the remaining sections accordingly.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 70 in the Journal. No objections. So ordered.

FA23
1. On page 2, line 7, after "licensee" insert the following: "and medical offices of medical doctors, chiropractors, osteopathic physicians; and dentists".

Mr. Moore asked unanimous consent to print the following amendment to LB 177 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0201.)

Mr. Coordsen asked unanimous consent to print the following amendment to LB 238 in the Journal. No objections. So ordered.

FA24
1. Strike section 2
2. Renumber the following sections accordingly

Mr. Baack asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

AM0229

1. On page 8, line 25, after the period insert "In establishing the schedule authorized by this section, the head of the lead agency shall take into consideration the reasonable expenses associated with relocation and the regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended.".

2. On page 9, line 12, after the period insert "In establishing the payment criteria authorized by this section, the head of the lead agency shall take into consideration the reasonable expenses associated with the relocation of a business or farm operation and the

regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended.".

VISITORS

Visitors to the Chamber were a group of students from Chadron State College; and a group from the Nebraska LEAD Program throughout the state.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 7, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 1989

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gordon Scott, Crestwood Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hall who was excused; and Messrs. Bernard-Stevens, Chambers, Conway, Goodrich, R. Johnson, Kristensen, Lindsay, Lynch, McFarland, Moore, Morrissey, Rogers, Warner, Withem, Mmes. Beck, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 644. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

Business and Labor

LEGISLATIVE BILL 413. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

Natural Resources

LEGISLATIVE BILL 587. Placed on General File as amended.
Standing Committee amendments to LB 587:
AM0226

1. On page 6, strike beginning with "member" in line 2 through "Board" in line 7, show the old matter as stricken, and insert "representative of wheat growers, a representative of corn growers, a representative of grain sorghum growers"; strike beginning with "member" in line 15 through "Board" in line 16 and insert "representative of wheat growers"; and strike beginning with "member" in line 18 through "Board" in line 21 and insert "representative of corn growers and the representative of grain sorghum growers".

2. On page 7, strike beginning with "whose" in line 1 through "Board" in line 4 and insert "who represents wheat growers, corn growers, or grain sorghum growers and who ceases to be such a grower"; and after line 24 insert:

"(3) For purposes of this section:

(a) Corn growers shall mean citizens of Nebraska, who are at least twenty-one years of age, who have been actually engaged in growing corn in this state for at least five years, and who derive a substantial portion of their income from growing corn;

(b) Grain sorghum growers shall mean citizens of Nebraska, who are at least twenty-one years of age, who have been actually engaged in growing grain sorghum in this state for at least five years, and who derive a substantial portion of their income from growing grain sorghum; and

(c) Wheat growers shall mean citizens of Nebraska, who are at least twenty-one years of age, who have been actually engaged in growing wheat in this state for at least five years, and who derive a substantial portion of their income from growing wheat.

(4) Candidates for appointment to the board seeking to represent wheat growers, corn growers, or

grain sorghum growers may place their names on a candidacy list for their respective group by filing a petition signed by at least fifty growers with the Governor.".

(Signed) Loran Schmit, Chairperson

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 603: N. P. Dodge, Jr. - Power Review Board.

Voting in the affirmative, 25:

Abboud	Chizek	Hartnett	Lamb	Schimek
Ashford	Crosby	Hefner	Landis	Smith
Baack	Dierks	Johnson, L.	Peterson	Wehrbein
Beyer	Elmer	Korshoj	Robak	Weihing
Byars	Hannibal	Labedz	Schellpeper	Wesely

Voting in the negative, 0.

Present and not voting, 6:

Barrett	Haberman	Langford	Nelson	Schmit
Coordsen				

Excused and not voting, 18:

Beck	Conway	Kristensen	Moore	Scofield
Bernard-Stevens	Goodrich	Lindsay	Morrissey	Warner
Chambers	Hall	Lynch	Pirsch	Withem
	Johnson, R.	McFarland	Rogers	

The appointment was confirmed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to the Grain Dealer Act; to amend section 75-909, Revised Statutes Supplement, 1988; to change a penalty provision 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, 35:

Abboud	Coordsen	Hefner	Lindsay	Schimek
Baack	Crosby	Johnson, L.	Lynch	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beyer	Elmer	Labedz	Peterson	Wehrbein
Byars	Haberman	Lamb	Robak	Weihing
Chizek	Hannibal	Landis	Rogers	Wesely
Conway	Hartnett	Langford	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Ashford Schmit

Excused and not voting, 12:

Beck	Chambers	Johnson, R.	Moore	Pirsch
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Warner
	Hall	McFarland		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to farm warehouses; to eliminate provisions relating to the regulation of warehousing grain on farms; and to repeal sections 88-601 to 88-616, 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?' "

Abboud	Coordsen	Johnson, L.	McFarland	Schmit
Ashford	Crosby	Korshoj	Morrissey	Scofield
Baack	Dierks	Labedz	Nelson	Smith
Barrett	Elmer	Lamb	Peterson	Wehrbein
Beyer	Haberman	Landis	Robak	Weihing
Byars	Hannibal	Langford	Rogers	Wesely
Chizek	Hartnett	Lindsay	Schellpeper	Withem
Conway	Hefner	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 10:

Beck	Chambers	Hall	Kristensen	Pirsch
Bernard-Stevens	Goodrich	Johnson, R.	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 53.

A BILL FOR AN ACT relating to plumbing inspection; to amend section 18-1901, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of costs of bonds; to provide for joint boards for the examination of plumbers; and to repeal the original section.

Whereupon the 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	Johnson, L.	McFarland	Schimek
Ashford	Crosby	Korshoj	Moore	Schmit
Baack	Dierks	Labedz	Morrissey	Scofield
Barrett	Elmer	Lamb	Nelson	Smith
Beyer	Haberman	Landis	Peterson	Wehrbein
Byars	Hannibal	Langford	Robak	Weihing
Chizek	Hartnett	Lindsay	Rogers	Wesely
Conway	Hefner	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Voting in the affirmative, 36:

Abboud	Coordsen	Hefner	McFarland	Schimek
Ashford	Crosby	Johnson, L.	Morrissey	Scofield
Baack	Dierks	Korshoj	Nelson	Smith
Barrett	Elmer	Lamb	Peterson	Wehrbein
Beyer	Haberman	Landis	Robak	Weihing
Byars	Hannibal	Lindsay	Rogers	Wesely
Chizek	Hartnett	Lynch	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 3:

Labedz	Langford	Schmit

Excused and not voting, 10:

Beck	Chambers	Hall	Kristensen	Pirsch
Bernard-Stevens	Goodrich	Johnson, R.	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3002, 2-3921, 2-3923, 2-3925, 54-1363, and 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, and section 2-3005, Revised Statutes Supplement, 1988; to change a defined term; to provide labeling requirements for animal drugs; to provide construction standards for milk producers; to provide powers and duties for the Director of Agriculture; to change provisions relating to cancellation of certain registrations; 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:

Excused and not voting, 9:

Beck	Chambers	Hall	Kristensen	Warner
Bernard-Stevens	Goodrich	Johnson, R.	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to license plates; to amend section 60-311.10, Reissue Revised Statutes of Nebraska, 1943; to authorize prestige plates for certain commercial trucks as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Crosby	Korshoj	Moore	Schimek
Ashford	Dierks	Labedz	Morrissey	Schmit
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Haberman	Landis	Peterson	Wehrbein
Beyer	Hannibal	Langford	Robak	Weihing
Byars	Hartnett	Lindsay	Rogers	Wesely
Conway	Hefner	Lynch	Schellpeper	Withem
Coordsen	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 2:

Chizek	Scofield

Excused and not voting, 9:

Beck	Chambers	Hall	Kristensen	Warner
Bernard-Stevens	Goodrich	Johnson, R.	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 123. With Emergency.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-503, Reissue Revised Statutes of Nebraska, 1943; to provide for the purchase and payment of insurance on certain property used by airport authorities; 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	Conway	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Korshoj	McFarland	Schmit
Barrett	Dierks	Kristensen	Moore	Smith
Beck	Elmer	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Chizek	Hartnett	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Morrissey Scofield

Excused and not voting, 7:

Bernard-Stevens	Chambers	Hall	Pirsch	Warner
	Goodrich	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 190.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.05, 79-4,105.01, and 79-1344.02, Revised Statutes Supplement, 1988; to limit the number of votes by a Class III school district for members of a committee; to provide for staggered terms on an advisory committee; to change provisions relating to financial support for certain 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	Johnson, L.	Lynch	Schellpeper
Ashford	Coordsen	Johnson, R.	McFarland	Schimek
Baack	Crosby	Korshoj	Moore	Schmit
Barrett	Dierks	Kristensen	Morrissey	Smith
Beck	Elmer	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Chambers	Hartnett	Langford	Rogers	Withem
Chizek	Hefner	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Scofield

Excused and not voting, 5:

Bernard-Stevens	Goodrich	Hall	Pirsch	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 51.

A BILL FOR AN ACT relating to rabies; to amend section 71-4406, Revised Statutes Supplement, 1988; to exempt certain animals from confinement as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Conway	Johnson, L.	Lynch	Schimek
Ashford	Coordsen	Johnson, R.	McFarland	Schmit
Baack	Crosby	Korshoj	Moore	Scofield
Barrett	Dierks	Kristensen	Morrissey	Smith
Beck	Elmer	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Chambers	Hartnett	Langford	Rogers	Withem
Chizek	Hefner	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Bernard-Stevens	Goodrich	Hall	Pirsch	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101, 8-1103, and 8-1111, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to transactions exempt from registration; 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	Ashford	Baack	Barrett	Beck

Beyer	Elmer	Kristensen	Moore	Schimek
Byars	Haberman	Labedz	Morrissey	Schmit
Chambers	Hannibal	Lamb	Nelson	Scofield
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Robak	Weihing
Coordsen	Johnson, L.	Lindsay	Rogers	Wesely
Crosby	Johnson, R.	Lynch	Schellpeper	Withem
Dierks	Korshoj	McFarland		

Voting in the negative, 0.

Excused and not voting, 6:

Bernard-Stevens	Goodrich	Pirsch	Smith	Warner
	Hall			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 189.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-417, Reissue Revised Statutes of Nebraska, 1943; to change appointment procedures for the membership of the Nebraska Retirement Systems Committee; to make the committee a standing committee; to eliminate a provision relating to the committee; to harmonize provisions; to provide an operative date; and to repeal the original section. and also section 50-416, 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	Chizek	Hartnett	Landis	Peterson
Ashford	Conway	Hefner	Langford	Pirsch
Baack	Coordsen	Johnson, L.	Lindsay	Robak
Barrett	Crosby	Johnson, R.	Lynch	Rogers
Beck	Dierks	Korshoj	McFarland	Schellpeper
Beyer	Elmer	Kristensen	Moore	Schimek
Byars	Haberman	Labedz	Morrissey	Schmit
Chambers	Hannibal	Lamb	Nelson	Scofield

Wehrbein	Weihing	Wesely	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Bernard-Stevens	Goodrich	Hall	Smith	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1988; 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, 44:

Abboud	Conway	Johnson, L.	Lynch	Schimek
Ashford	Coordsen	Johnson, R.	McFarland	Schmit
Baack	Crosby	Korshoj	Moore	Scofield
Barrett	Dierks	Kristensen	Morrissey	Warner
Beck	Elmer	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Pirsch	Wesely
Chambers	Hartnett	Langford	Rogers	Withem
Chizek	Hefner	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 4:

Bernard-Stevens	Goodrich	Hall	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to water; to amend sections 33-105, 46-295, 46-2,100, 46-2,101, and 46-2,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate the authorization to levy fees for withdrawal of incidentally stored underground water; to harmonize provisions; and to repeal the original sections, and also section 46-298, 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	Chambers	Hartnett	Langford	Rogers
Ashford	Chizek	Hefner	Lindsay	Schellpeper
Baack	Conway	Johnson, L.	Lynch	Schimek
Barrett	Coordsen	Johnson, R.	McFarland	Schmit
Beck	Crosby	Korshoj	Moore	Scofield
Bernard-Stevens	Dierks	Kristensen	Morrissey	Warner
	Elmer	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak Wesely

Excused and not voting, 3:

Goodrich Hall Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 168.

A BILL FOR AN ACT relating to game and fish reserves and sanctuaries; to amend section 37-410, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision authorizing the shooting of certain animals on reserves or sanctuaries; and to repeal the original section.

Whereupon the 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	Hefner	Lindsay	Schellpeper
Ashford	Conway	Johnson, L.	Lynch	Schimek
Baack	Coordsen	Johnson, R.	McFarland	Schmit
Barrett	Crosby	Korshoj	Moore	Scofield
Beck	Dierks	Kristensen	Morrissey	Warner
Bernard-Stevens	Elmer	Labedz	Nelson	Wehrbein
	Haberman	Lamb	Peterson	Weihing
Beyer	Hannibal	Landis	Pirsch	Wesely
Byars	Hartnett	Langford	Rogers	Withem
Chambers				

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 3:

Goodrich Hall Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1233, 37-1234, and 37-1235, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lights on certain boats and other vessels 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	Chambers	Hartnett	Langford	Rogers
Ashford	Chizek	Hefner	Lindsay	Schellpeper
Baack	Conway	Johnson, L.	Lynch	Schimek
Barrett	Coordsen	Johnson, R.	McFarland	Schmit
Beck	Crosby	Korshoj	Moore	Scofield
Bernard-Stevens	Dierks	Kristensen	Morrissey	Wehrbein
	Elmer	Labedz	Nelson	Weihing
Beyer	Haberman	Lamb	Peterson	Wesely
Byars	Hannibal	Landis	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak Warner

Excused and not voting, 3:

Goodrich Hall Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 379. Placed on General File.

(Signed) Ron Withem, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 35, 36, 38, 53, 79, 123, 190, 51, 60, 189, 207, 45, 168, and 169.

GENERAL FILE

LEGISLATIVE BILL 92A. 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 158A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 175A. Title read. Considered.

Mr. Wehrbein asked unanimous consent to be excused. 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 177A. Title read. Considered.

Mr. McFarland moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Chizek	Johnson, R.	Lynch	Schellpeper
Ashford	Conway	Korshoj	McFarland	Schimek
Baack	Coordsen	Kristensen	Morrissey	Scofield
Barrett	Dierks	Labedz	Nelson	Weihing
Bernard-Stevens	Elmer	Landis	Robak	Wesely
Chambers	Hannibal	Lindsay	Rogers	Withem
	Hartnett			

Voting in the negative, 14:

Beck	Crosby	Johnson, L.	Moore	Schmit
Beyer	Haberman	Lamb	Peterson	Warner
Byars	Hefner	Langford	Pirsch	

Excused and not voting, 4:

Goodrich Hall Smith Wehrbein

Advanced to E & R for Review with 31 ayes, 14 nays, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 261A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 277A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 284A. 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 312A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 296. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 321. E & R amendments, AM5025, found in the Journal on page 515 for the Eighteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 322. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 165. E & R amendment, AM5026, found in the Journal on page 516 for the Eighteenth Day, was adopted.

Mr. Chambers renewed his pending amendment, AM0156, found in the Journal on page 524.

The Chambers amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Moore requested a machine vote on the advancement of the bill.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Engrossment with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 177. E & R amendments, AM5027, found in the Journal on page 516 for the Eighteenth Day, were adopted.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore renewed his pending amendment, AM0201, printed separately from the Journal and referred to on page 609.

Messrs. Withem, Morrissey, Korshoj, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 12:

Ashford	Byars	Johnson, L.	Moore	Schimek
Beck	Crosby	Langford	Pirsch	Warner
Beyer	Hannibal			

Voting in the negative, 12:

Barrett	Elmer	McFarland	Schellpeper	Weihing
Chizek	Kristensen	Rogers	Scofield	Wesely
Coordsen	Landis			

Present and not voting, 18:

Baack	Bernard-Stevens	Chambers	Dierks	Haberman
		Conway	Goodrich	Hartnett

Hefner	Lamb	Lynch	Peterson	Schmit
Johnson, R.	Lindsay	Nelson	Robak	Smith

Excused and not voting, 7:

Abboud	Korshoj	Morrissey	Wehrbein	Withem
Hall	Labedz			

The Moore amendment lost with 12 ayes, 12 nays, 18 present and not voting, and 7 excused and not voting.

Mrs. Crosby moved to indefinitely postpone LB 177.

Mrs. Beck asked unanimous consent to be excused until she 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, 0 nays, and 23 not voting.

The Crosby motion to indefinitely postpone lost with 14 ayes, 15 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Moore offered the following amendment:
FA25

1. Insert the following new sections:

"Sec. 6. There is hereby created the Protocol Office Cash Fund. The fund shall contain such funds as the Legislature may from time to time appropriate and any other funds as may be remitted to the State Treasurer for credit to the fund in the form of grants made pursuant to section 2-2309, 2-3311, 2-3622, 2-3753, 2-4011, or 66-1307 or donations, gifts, bequests, grants, or other contributions to the fund from public or private sources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

2. On page 2, line 1, strike "This" and insert "Sections 1 to 7 of this".

3. On page 5, line 13, strike "shall" and insert "may" and in line 15 before the period insert from the Protocol Office Cash Fund".

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Crosby	Johnson, L.	Lindsay	Scofield
Ashford	Haberman	Lamb	Moore	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Byars	Hartnett	Langford	Pirsch	Wesely
Conway	Hefner			

Voting in the negative, 16:

Baack	Chambers	Kristensen	Nelson	Schellpeper
Barrett	Chizek	Lynch	Robak	Schimek
Bernard-Stevens	Coordsen	McFarland	Rogers	Weihing
	Dierks			

Present and not voting, 3:

Elmer	Goodrich	Withem

Absent and not voting, 1:

Schmit

Excused and not voting, 7:

Beck	Johnson, R.	Labedz	Morrissey	Wehrbein
Hall	Korshoj			

The Moore amendment lost with 22 ayes, 16 nays, 3 present and not voting, 1 absent and not voting, and 7 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 29 ayes, 1 nay, and 19 not voting.

SPEAKER BARRETT PRESIDING

Mr. McFarland moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Chizek	Korshoj	Lynch	Schellpeper
Baack	Conway	Kristensen	McFarland	Schimek
Barrett	Coordsen	Labedz	Nelson	Weihing
Bernard-Stevens	Dierks	Landis	Robak	Wesely
Chambers	Goodrich	Lindsay	Rogers	Withem
	Hartnett			

Voting in the negative, 18:

Abboud	Crosby	Hefner	Moore	Scofield
Beck	Elmer	Johnson, L.	Peterson	Smith
Beyer	Haberman	Lamb	Pirsch	Warner
Byars	Hannibal	Langford		

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Hall	Johnson, R.	Morrissey	Wehrbein

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 43. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 113. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 171. E & R amendment, AM5028, found in the Journal on page 527 for the Nineteenth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendments, AM5029, found in the Journal on page 528 for the Nineteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 82. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 200. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 106. E & R amendments, AM5030, found in the Journal on page 528 for the Nineteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 194. E & R amendments, AM5031, found in the Journal on page 528 for the Nineteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 166. E & R amendments, AM5032, found in the Journal on page 528 for the Nineteenth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 26. Introduced by Morrissey, 1st District.

WHEREAS, the Nebraska State Historical Society is the owner of the dredge, Meriwether Lewis; and

WHEREAS, the Nebraska State Historical Society is no longer receiving funding for the operation of the dredge, Meriwether Lewis, as a museum; and

WHEREAS, the continued operation and maintenance of the dredge, Meriwether Lewis, as a museum of Missouri River history is of economic and historical value to southeast Nebraska; and

WHEREAS, the Meriwether Lewis Foundation, Inc., a nonprofit corporation, was organized for the purpose of continuing operations of the dredge, Meriwether Lewis; and

WHEREAS, the Nebraska State Historical Society has entered into an agreement with the Meriwether Lewis Foundation, Inc., for the sale of the dredge, Meriwether Lewis; and

WHEREAS, section 82-101 R.R.S. 1943 provides that the Nebraska State Historical Society may dispose of property, real and personal, with the consent of the Legislature.

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

1. That the Nebraska State Historical Society is authorized to convey to the Meriwether Lewis Foundation, Inc., a Nebraska nonprofit corporation, the dredge, Meriwether Lewis, pursuant to the terms of a contract dated March 9, 1987, and the modification thereof dated January 20, 1988.

Laid over.

LEGISLATIVE RESOLUTION 27. Introduced by Warner, 25th District; Scofield, 49th District; Hartnett, 45th District; Schmit, 23rd District.

WHEREAS, the federal transportation trust funds are supported from federal taxes on motor fuels by highway users; and

WHEREAS, these funds are special funds collected from the highway users to be used exclusively for transportation purposes; and

WHEREAS, Congress has passed the Gramm-Rudman-Hollings Act as a means to help eliminate the federal deficit and balance the federal unified budget; and

WHEREAS, the federal transportation trust funds are included in the sequestration of funds and are being used to artificially reduce the federal deficit; and

WHEREAS, the removal of federal transportation trust funds from the federal budget would free fifteen billion dollars for transportation purposes.

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

1. That the Legislature strongly supports the removal of the federal transportation trust funds from the federal budget and urges the Nebraska congressional delegation to work toward such removal.

2. That a copy of this resolution be sent to each member of the Nebraska congressional delegation and that copies be made available to the press.

Laid over.

LEGISLATIVE RESOLUTION 28. Introduced by Warner, 25th District; Scofield, 49th District; Hartnett, 45th District; Schmit, 23rd District.

WHEREAS, a federal motor fuel tax increase to lower the federal deficit has been proposed; and

WHEREAS, such a measure would unfairly place the tax burden on states dependent on the automobile and trucking industry for the movement of people and goods; and

WHEREAS, a deficit reduction tax on motor fuel will undermine the highway user fee concept for highway improvements; and

WHEREAS, a great need still exists to continue to upgrade and replace this country's transportation infrastructure, and any tax increases on motor fuel should be dedicated to that purpose.

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

1. That the Legislature oppose the imposition of a federal motor fuel tax increase to achieve deficit reduction.

2. That copies of this resolution be sent to the Nebraska congressional delegation and that copies be made available to the press.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 187A. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 354A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 362A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, Ninety-first Legislature, First Session, 1989.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1989, at 10:59 a.m., were the following bills: 35, 36, 38, 53, 79, 123, 190, 51, 60, 189, 207, 45, 168 and 169.

(Signed) Jan Loder, Enrolling Clerk

SPECIAL COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 46. Placed on General File.
LEGISLATIVE BILL 388. Placed on General File.

LEGISLATIVE BILL 145. Placed on General File as amended.
Standing Committee amendment to LB 145:
AM0075

1. On page 2, strike beginning with "employee" in line 10 through "plan" in line 13, show the old matter as stricken, and insert "plan shall be established by appropriate ordinance or proper resolution, which may provide for mandatory contribution by the employee"; in line 15 strike "amounts matched", show as stricken, and insert "any amounts contributed"; and in line 21 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendment to LB 237:
AM0085

1. On page 8, line 12, reinstate the stricken matter and strike the new matter; and in line 13 after the period insert "For retirements after June 15, 1989, the applicable percentage shall be one and sixty-five hundredths percent of his or her final average compensation.".

LEGISLATIVE BILL 418. Placed on General File as amended.
Standing Committee amendment to LB 418:

AM0086

1. On page 2, strike beginning with "terms" in line 19 through "and" in line 21, show the old matter as stricken, and insert "members serving on the effective date of this act shall serve for the remainder of their three-year terms, and the members appointed on and after such date"; in line 21 strike "their" and show as stricken; and in line 22 strike "successors" and show as stricken.

LEGISLATIVE BILL 506. Placed on General File as amended.
Standing Committee amendments to LB 506:
AM0163

1. On page 14, strike beginning with "Any" in line 13 through the period in line 19 and insert "Any change in the unfunded accrued liabilities due to benefit or assumption changes shall be fully funded over the average expected future service of the active members of the retirement system or by the first day of the twenty-sixth calendar year after the date of the actuarial valuation which first recognized these changes, whichever shall occur first. The change in the unfunded accrued liabilities shall be funded by level annual payments which shall be made over the lesser of twenty-five years or the average expected future service of the active members of the retirement system."; and in line 25 strike "remaining" and insert "expected".

2. On page 34, strike beginning with "any" in line 3 through "changes" in line 8 and insert "any change in the unfunded accrued liabilities due to benefit or assumption changes shall be fully funded during the average expected future service of the active members of the retirement system or by the first day of the twenty-sixth calendar year after the date of the actuarial valuation which first recognized these changes whichever shall occur first. The change in the unfunded accrued liabilities shall be funded by level annual payments which shall be made over the lesser of twenty-five years or the average expected future service of the active members of the retirement system"; and in line 11 strike "earnings" and insert "service".

(Signed) Rex Haberman, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 449. Placed on General File as amended.
Standing Committee amendments to LB 449:
AM0205

1. Strike original section 3.
2. On page 5, line 8, strike "thirty days" and insert "one month".
3. Renumber remaining section accordingly.

LEGISLATIVE BILL 733. Placed on General File as amended.
Standing Committee amendment to LB 733:
AM0210

1. On page 4, lines 5 and 11, strike "treating" and insert "working with".

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 410. Placed on General File.
LEGISLATIVE BILL 414. Placed on General File.

(Signed) George Coordsen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 431. Placed on General File.
LEGISLATIVE BILL 706. Placed on General File.

(Signed) Dave Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM0231

1. In the Standing Committee amendments, AM0082, strike amendments 2 and 3.
2. Insert the following new section:

"Sec. 2. That section 71-5111, Revised Statutes Supplement, 1988, be amended to read as

follows:

71-5111. No certified ambulance attendant, emergency medical technician-A, emergency medical technician-A/D, certified physician assistant, registered nurse, or licensed practical nurse who provides public emergency care, ambulance service, or rescue service shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such service. Nothing in this section shall be deemed to grant any such immunity for liability arising out of the operation of any motor vehicle, aircraft, or boat or while such person was impaired by alcoholic liquor or any controlled substance enumerated in section 28-405, in connection with such service, nor shall immunity apply to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.".

3. On page 2, line 14, after the period insert "A certified physician assistant as defined in section 71-1,107.16 providing the service shall be entitled to provide all services authorized under sections 71-1,107.15 to 71-1,107.30."; in line 15 strike "section 71-5108" and insert "sections 71-5108 and 71-5111"; and in line 16 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM0183

1. On page 3, line 2, after the period insert: "Community public health services shall not include the performance of or counseling or referral for abortions or school-based or school-linked services providing distribution of or counseling or referral for contraceptives.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM0260

1. Insert the following new section:

"Sec. 10. Provide shall mean the actual furnishing of services, the coordination of services furnished by other public or private agencies or corporations, or the contracting for services furnished by other public or private agencies or corporations.".

2. On page 2, line 16, strike "14" and insert "15".

3. On page 6, line 17, after the period insert "Such services shall not duplicate existing health services being provided by public and private providers within the region.".

4. On page 7, line 5, strike "17" and insert "18"; and in line 24 after "departments" insert "and other health care providers".

5. On page 8, line 18, after "director" insert "based upon recommendations made by the county boards within the region".

6. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 458 in the Journal. No objections. So ordered.

AM0239
(Amendments to Standing Committee Amendments, AM0122)

1. Insert the following new section:

"Sec. 3. That section 77-2734.02, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

(4) Corporate taxpayers affected by the section of the Internal Revenue Code of 1986 which is described in subsection (4) of section 77-2715 shall pay the additional tax resulting from such section in the manner provided in subsection (4) of section 77-2715. This subsection shall retroactively apply to all returns to the date on which the section of the Internal Revenue Code of 1986 described in subsection (4) of section 77-2715 became effective.".

2. On page 3, line 11, after "(4)" insert "For taxpayers affected by section 453C of the Internal Revenue Code of 1986, the additional tax resulting from the recognition of income pursuant to section 453C of the Internal Revenue Code of 1986 shall be deemed to be imposed in the same years as provided for federal tax in section 811(c)(7) of the federal Tax Reform Act of 1986.

This subsection shall retroactively apply to all returns to the date on which section 453C of the Internal Revenue Code of 1986 became effective.

(5)"; and in line 17, after "20" insert "before 'Revised' insert '77-2734.02,' and".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Ron Barger from Culbertson, Charles Coleman and Doug Martin from McCook; Mr. and Mrs. Ed Lindsay from Norfolk and Lora Nelson from Newman Grove; Steve Jahn and Diana Rich from Columbus; Doris Thompson from Minden and Ken Meyer from Wilcox; and 16 sixth grade students and teacher from Sacred Heart Elementary School, Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 8, 1989

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 8, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Curtis Lehman, Berean Fundamental Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Korshoj who was excused; and Messrs. Abboud, Baack, Bernard-Stevens, Chambers, Haberman, R. Johnson, Lindsay, Lynch, McFarland, Moore, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 628, line 7, strike "Review" and insert "Engrossment".
The Journal for the Twenty-Third Day was approved as corrected.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 27 and LR 28 were referred to the Reference Committee.

MESSAGE FROM THE GOVERNOR

February 7, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 33 and 34 were received in my office on February 2, 1989.

These bills were signed by me February 7, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

cc: Allen Beermann

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 567. Placed on General File.

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 26. Read. Considered.

LR 26 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 338. Considered.

Mrs. Labedz renewed her pending amendment, AM0183, found in the Journal on page 638.

The Labedz amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Smith renewed her pending amendment, AM0260, found in the Journal on page 638.

The Smith amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Smith offered the following amendment:
FA26
Add the following new section:
The expenditures for administration and support under this act shall not exceed eight-hundred fifty thousand dollars in any one fiscal year.

The Smith amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Crosby	Landis	Nelson	Schmit
Bernard-Stevens	Dierks	Lindsay	Robak	Scofield
Byars	Hall	Lynch	Rogers	Smith
Chizek	Hartnett	McFarland	Schellpeper	Wesely
Conway	Kristensen	Morrissey	Schimek	Withem
	Labedz			

Voting in the negative, 14:

Baack	Beyer	Hefner	Peterson	Wehrbein
Barrett	Coordsen	Johnson, L.	Pirsch	Weihing
Beck	Hannibal	Langford	Warner	

Present and not voting, 5:

Elmer	Haberman	Johnson, R.	Lamb	Moore

Absent and not voting, 2:

Chambers	Goodrich

Excused and not voting, 2:

Abboud Korshoj

Advanced to E & R for Review with 26 ayes, 14 nays, 5 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 378. Title read. Considered.

Standing Committee amendments, AM0121, found in the Journal on page 499 for the Seventeenth Day, were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendment, AM0112, found in the Journal on page 518 for the Eighteenth Day, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 74. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 398. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 47. Placed on General File.
LEGISLATIVE BILL 75. Placed on General File.
LEGISLATIVE BILL 608. Placed on General File.

LEGISLATIVE BILL 186. Indefinitely postponed.
LEGISLATIVE BILL 474. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 358. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 550	Wednesday, February 15, 1989	1:30 p.m.
LB 621	Wednesday, February 15, 1989	1:30 p.m.
LB 622	Wednesday, February 15, 1989	1:30 p.m.
LB 755	Wednesday, February 15, 1989	1:30 p.m.
LB 52	Thursday, February 16, 1989	1:30 p.m.
LB 314	Thursday, February 16, 1989	1:30 p.m.
LB 761	Thursday, February 16, 1989	1:30 p.m.
LB 763	Thursday, February 16, 1989	1:30 p.m.
LB 795	Thursday, February 16, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

MOTION - Withdraw LB 697

Mr. Schmit moved to withdraw LB 697, pursuant to Rule 5, Section 11.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 357. Title read. Considered.

Standing Committee amendments, AM0135, found in the Journal on page 523 for the Eighteenth Day, were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SPEAKER BARRETT PRESIDING

Mrs. Nelson renewed her pending amendment, FA18, found in the Journal on page 559.

The Nelson amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Withem moved to indefinitely postpone LB 357.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Messrs. Landis, Peterson, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his motion to indefinitely postpone.

Mr. Withem asked unanimous consent to bracket LB 357 until February 22, 1989. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 92. Placed on Select File as amended.
E & R amendments to LB 92:
AM5044

1. In the Landis amendment, AM0140, on page 2, line 6, after "date" insert an underscored comma.

2. In the Standing Committee amendments, AM0054:

a. On page 9, line 9, strike "builders' risks"

and insert "builder's risk";

b. On page 11, line 9, before "(1)" insert "(19)";

c. On page 12, line 3, strike "bond" and insert "bonds"; and

d. On page 33, line 15; and page 35, line 21, strike the comma and show as stricken.

3. On page 1, line 6, after the fourth comma insert "44-137.01, 44-137.08, 44-137.10,"; in line 9 after the third comma insert "44-201," and after the last comma insert "44-203,"; and in line 12 after the last comma insert "44-213.06,".

4. On page 2, line 4, strike "44-243," and insert "44-242, 44-243, 44-244, 44-246,"; in line 12 after the sixth comma insert "44-401,"; in line 18 after the last comma insert "44-736,"; and in line 22 after the first comma insert "44-1402," and after the third comma insert "44-1444,".

5. On page 3, line 3, after the fourth comma insert "44-2402,"; in line 10 after the third comma insert "44-3501,"; and in line 23 after "change" insert ", eliminate,".

6. On page 4, line 15, strike "the amendment of"; and in line 22 strike "and bond" and insert ", bond, and other depository".

7. On page 5, line 9, strike "a provision" and insert "provisions"; and in line 10 strike "provide for" and insert "eliminate a requirement of".

8. On page 6, line 2, strike "individual" and insert "insurance consultant"; strike beginning with "individual" in line 3 through line 4; strike beginning with "provide" in line 10 through "to" in line 11; strike beginning with "agents" in line 13 through "consultants" in line 14 and insert "licensees"; in line 17 strike "Insurers" and insert "Insurance" and after the semicolon insert "to eliminate an audit provision; to change references to funds; to transfer sections as prescribed; to change provisions relating to foreign and alien insurance companies, lines of insurance, annual meetings, appeals, and hearings; to provide powers and duties for the Director of Insurance; to change penalty provisions; to provide for the valuation of loss reserves; to change sickness and accident policy provisions and requirements; to change group life

insurance provisions; to change duties relating to listing reciprocal states;"; strike beginning with "provisions" in line 23 through "eliminate" in line 24 and insert "certain liability"; and strike line 25.

9. On page 7, line 1, strike "for member assessments"; and strike beginning with "provisions" in line 16 through line 17.

10. On page 8, strike beginning with "44-137.01," in line 6 through the third comma in line 10 and insert "44-137.09, 44-148, 44-153, 44-158, 44-203.01, 44-209,"; in line 13 after the last comma insert "44-382,"; and in line 17 strike "44-736,".

11. On page 22, line 24, strike "his or her" and show "his" as stricken.

12. On page 26, line 21, strike the comma and show as stricken.

13. On page 32, line 3, after "business" insert an underscored semicolon.

14. On page 40, line 4, strike the comma, show as stricken, and insert "and".

15. On page 46, line 14, strike the comma and show as stricken.

16. On page 52, line 12; page 99, line 19; and page 181, line 7, strike "kind or kinds", show as stricken, and insert "line or lines".

17. On page 69, line 17, strike the comma.

18. On page 70, line 15, after "so" insert an underscored comma.

19. On page 72, line 10; page 152, line 10; page 153, line 25; page 155, line 24; and page 181, line 22, strike "employer's", show as stricken, and insert "employers' ".

20. On page 106, line 5, strike the comma and show as stricken; and in line 25 strike the new matter.

21. On page 107, line 1, after "section" insert "or section 44-351".

22. On page 134, line 17, strike "disapproval" and insert "decision of the director".

23. On page 182, line 2, strike the last comma and show as stricken.

24. On page 183, in lines 1 and 23; and page 283, line 16, strike "kind", show as stricken, and insert "line".

25. On page 218, line 17, strike "be deemed

to" and show the old matter as stricken.

26. On page 261, line 21, after "Nebraska" insert an underscored comma.

27. On page 274, line 9, strike "section" and insert "sections"; and in line 10 before "of" insert "and 250".

28. On page 275, line 14, strike the first comma; and in line 16 strike the second comma.

29. On page 277, in lines 15 and 16, strike the comma and show as stricken; in line 18 strike "such"; and in lines 21 and 25 strike the comma.

30. On page 278, line 3, strike beginning with "sections" through "act" and all amendments thereto and insert "such sections".

31. On page 302, line 1, strike "229 to 236" and insert "246 to 253".

LEGISLATIVE BILL 459. Placed on Select File as amended.
E & R amendments to LB 459:
AM5042

1. On page 1, strike line 5 and insert "1988; to eliminate liability of corporate officers and employees as"; and in line 9 after the last semicolon insert "to provide an operative date;".

2. On page 4, line 6, strike "such act", show as stricken, and insert "the Nebraska Revenue Act of 1967".

3. On page 12, line 9, after "on" insert "or after".

LEGISLATIVE BILL 458. Placed on Select File as amended.
E & R amendment to LB 458:
AM5041

1. On page 1, line 2, strike "section" and insert "sections 77-2715 and"; and in line 3 after the semicolon insert "to change a provision relating to calculation of income tax;".

LEGISLATIVE BILL 116. Placed on Select File.
LEGISLATIVE BILL 267. Placed on Select File.

LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendments to LB 208:
AM5043

1. On page 3, line 19, strike "the".
2. On page 4, line 12, strike the comma.

LEGISLATIVE BILL 92A. Placed on Select File.
LEGISLATIVE BILL 158A. Placed on Select File.
LEGISLATIVE BILL 175A. Placed on Select File.
LEGISLATIVE BILL 177A. Placed on Select File.
LEGISLATIVE BILL 261A. Placed on Select File.
LEGISLATIVE BILL 277A. Placed on Select File.
LEGISLATIVE BILL 284A. Placed on Select File.
LEGISLATIVE BILL 312A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendment to LB 369:
AM0272

1. On page 3, line 18, after "vehicle" insert "registered for sixteen tons or less".

(Signed) Howard Lamb, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 43, 80, 82, 106, 113, 165, 166, 171, 172, 177, 194, 200, 296, 312, 321, 322, and 353.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 238. Title read. Considered.

Standing Committee amendments, AM0149, found in the Journal on page 529 for the Nineteenth Day, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Coordsen renewed his pending amendment, FA24, found in the Journal on page 609.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Mr. Moore offered the following amendment:
AM0237

1. On page 3, line 6 strike "including, but not limited to," and insert "which may include"; and in line 9 after "for" insert ", but not limited to,".

2. On page 4, line 13, after "engineer" insert "or person working under the direct supervision of an engineer".

The Moore 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 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 548. Placed on General File.
LEGISLATIVE BILL 582. Placed on General File.

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 214A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 214, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 238. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 140. No objections. So ordered.

Mr. Chizek asked unanimous consent to have his name added as co-introducer to LB 89. No objections. So ordered.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 9, 1989

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY - FEBRUARY 9, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Jim McGaffin, Victory Outreach, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Ashford, Chambers, Chizek, Goodrich, Hartnett, R. Johnson, Lindsay, McFarland, Morrissey, Warner, Mmes. Beck, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 338. Placed on Select File as amended.
E & R amendments to LB 338:
AM5045

1. In the Smith amendment, FA26, number the new section as section 22 and strike "this act" and insert "the Community Public Health Services Act".

2. On page 9, strike beginning with "appointees" in line 13 through "successor" in line 15 and insert "that a person appointed to fill a vacancy occurring during an unexpired term".

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendments to LB 378:
AM5046

1. On page 1, line 5, after the semicolon insert "to authorize fees; to provide for termination of the committee;".
2. On page 2, line 24, strike "nurse's" and insert "nurses".

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendments to LB 391:
AM5047

1. On page 4, line 14, strike "are", show as stricken, and insert "is".
2. On page 5, line 8, reinstate the stricken comma.
3. On page 6, lines 15 and 16, strike the comma and show as stricken.
4. On page 7, line 14, strike the underscored comma.
5. On page 8, line 9, strike the comma and show as stricken.

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendment to LB 74:
AM5049

1. On page 3, line 20, strike "requested by the property owner", show as stricken, and insert "specified in the petition".

LEGISLATIVE BILL 398. Placed on Select File.

LEGISLATIVE BILL 499. Placed on Select File as amended.
E & R amendment to LB 499:
AM5048

1. On page 2, line 6, after each comma insert "a".

LEGISLATIVE BILL 238. Placed on Select File as amended.

E & R amendments to LB 238:
AM5050

1. In the Standing Committee amendments, AM0149, strike amendment 3 and renumber the remaining amendment accordingly.

2. On page 1, line 3, strike "48-1231" and insert "48-1232"; and strike beginning with "change" in line 4 through "the" in line 5 and insert "provide an additional penalty for willful".

3. On page 4, line 22, strike "48-1231" and insert "48-1232".

LEGISLATIVE BILL 263. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 155 in the Journal. No objections. So ordered.

AM0281
(Amendments to Standing Committee amendments, AM0176)

1. On page 1, line 5, after "security" insert "or for medical reasons based on an affidavit signed by a licensed physician".

RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Langford, 36th District.

WHEREAS, A facility constructed on the Kearney State College campus in 1953 has the generic name of business department office building; and

WHEREAS, such an excellent facility should be named after someone who was committed to providing an outstanding instructional program in business to the students at Kearney State College; and

WHEREAS, Mr. Roland B. Welch joined the faculty at Kearney State College in 1939, founded the Department of Business at the college, and was instrumental in its development until his resignation as department chairperson in 1973; and

WHEREAS, Mr. Welch continued to contribute his professorial services to that department until 1988; and

WHEREAS, on September 16, 1987, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the facility after Mr. Welch.

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

1. That the business department office building at Kearney State College be named the Roland B. Welch Hall in appreciation for Mr. Welch's forty-nine years of service.

2. That a copy of this resolution be presented to Mr. Welch upon its passage.

Laid over.

MOTION - Withdraw LB 697

Mr. Schmit renewed his pending motion found in the Journal on page 646 to withdraw LB 697.

The Schmit motion to withdraw prevailed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Barrett's and Senator Morrissey's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 57.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1214, Revised Statutes Supplement, 1988; to change provisions relating to the use of motor vehicle tax funds as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Hefner	McFarland	Schellpeper
Baack	Crosby	Johnson, L.	Moore	Schimek
Barrett	Dierks	Korshoj	Morrissey	Scofield
Bernard-Stevens	Elmer	Kristensen	Nelson	Smith
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Byars	Haberman	Landis	Pirsch	Weihing
Conway	Hall	Langford	Robak	Wesely
	Hannibal	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Chambers	Schmit

Excused and not voting, 8:

Beck	Hartnett	Labedz	Warner	Withem
Chizek	Johnson, R.	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to the Nebraska Installment Sales Act; to amend sections 45-335, 45-337, and 45-341, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to authorize the purchase of nonfiling insurance as prescribed; to authorize the collection of fees as prescribed; to change provisions relating to delinquency charges; and to repeal the original sections.

Whereupon the 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	Crosby	Hannibal	Lamb
Ashford	Beyer	Dierks	Hartnett	Landis
Baack	Byars	Elmer	Hefner	Langford
Barrett	Conway	Goodrich	Johnson, L.	Lynch
Beck	Coordsen	Haberman	Korshoj	McFarland
		Hall	Kristensen	Moore

Morrissey	Pirsch	Schellpeper	Scofield	Weihing
Nelson	Robak	Schimek	Smith	Wesely
Peterson	Rogers	Schmit	Wehrbein	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Chizek	Labedz	Lindsay	Warner	Withem
Johnson, R.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 97.

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 redefine terms; to provide when distributions from certain partnerships and other forms of investment constitute principal or income; and to repeal the original sections.

Whereupon the 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	Chambers	Hall	Langford	Rogers
Ashford	Chizek	Hannibal	Lynch	Schellpeper
Baack	Conway	Hartnett	McFarland	Schimek
Barrett	Coordsen	Hefner	Moore	Schmit
Beck	Crosby	Johnson, L.	Morrissey	Scofield
Bernard-Stevens	Dierks	Korshoj	Nelson	Smith
	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Lamb	Pirsch	Weihing
Byars	Haberman	Landis	Robak	Wesely

Voting in the negative, 0.

Excused and not voting, 5:

Johnson, R.	Labedz	Lindsay	Warner	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 126. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1988; 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, 44:

Abboud	Chambers	Hall	Langford	Rogers
Ashford	Chizek	Hannibal	Lynch	Schellpeper
Baack	Conway	Hartnett	McFarland	Schimek
Barrett	Coordsen	Hefner	Moore	Schmit
Beck	Crosby	Johnson, L.	Morrissey	Scofield
Bernard-Stevens	Dierks	Korshoj	Nelson	Smith
	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Lamb	Pirsch	Weihing
Byars	Haberman	Landis	Robak	Wesely

Voting in the negative, 0.

Excused and not voting, 5:

Johnson, R.	Labedz	Lindsay	Warner	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 133.

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.

Whereupon the 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	Lindsay	Rogers
Ashford	Conway	Hartnett	Lynch	Schellpeper
Baack	Coordsen	Hefner	McFarland	Schimek
Barrett	Crosby	Johnson, L.	Moore	Schmit
Beck	Dierks	Korshoj	Morrissey	Scofield
Bernard-Stevens	Elmer	Kristensen	Nelson	Smith
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Byars	Haberman	Landis	Pirsch	Weihing
Chambers	Hall	Langford	Robak	Wesely

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, R.	Labedz	Warner	Withem

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 court records; to amend sections 24-555 and 43-113, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to probate and adoption records; and to repeal the original sections.

Whereupon the 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	Baack	Beck	Bernard-Stevens	Beyer
Ashford	Barrett			Chambers

Chizek	Hall	Lamb	Morrissey	Schimek
Conway	Hannibal	Landis	Nelson	Schmit
Coordsen	Hartnett	Langford	Peterson	Scofield
Crosby	Hefner	Lindsay	Pirsch	Smith
Dierks	Johnson, L.	Lynch	Robak	Wehrbein
Elmer	Korshoj	McFarland	Rogers	Weihing
Goodrich	Kristensen	Moore	Schellpeper	Wesely
Haberman				

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 4:

Johnson, R.	Labedz	Warner	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to forcible entry and detainer actions; to amend section 24-573, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the summons; to provide a trial 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, 43:

Abboud	Chizek	Hartnett	Lynch	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Schmit
Barrett	Crosby	Korshoj	Morrissey	Scofield
Beck	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Elmer	Lamb	Peterson	Wehrbein
	Goodrich	Landis	Pirsch	Weihing
Byars	Hall	Langford	Robak	Wesely
Chambers	Hannibal	Lindsay	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Beyer Haberman

Excused and not voting, 4:

Johnson, R. Labedz Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 233.

A BILL FOR AN ACT relating to fees; to amend sections 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.04, 33-126.05, 33-126.06, and 81-1429, Reissue Revised Statutes of Nebraska, 1943, and section 24-703, Revised Statutes Supplement, 1988; to change provisions relating to judges retirement fees; to change provisions relating to county court fees for criminal and civil matters, probate, guardianships, conservatorships, custodians, inheritance tax proceedings, and other proceedings as prescribed; to eliminate a provision relating to fees for testamentary trusts; to harmonize provisions; and to repeal the original sections, and also section 33-126, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chizek	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Korshoj	Moore	Schmit
Beck	Dierks	Kristensen	Morrissey	Scofield
Bernard-Stevens	Elmer	Labedz	Nelson	Smith
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Byars	Haberman	Landis	Pirsch	Weihing
Chambers	Hall	Langford	Robak	Wesely
	Hannibal			

Voting in the negative, 0.

Excused and not voting, 3:

Johnson, R. Warner Withem

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 26.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 251.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize the creation of the Nebraska Natural Areas Register; to provide criteria; to provide procedures; to provide powers and duties for the Game and Parks Commission; 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, 45:

Abboud	Chizek	Hannibal	Langford	Rogers
Ashford	Conway	Hartnett	Lindsay	Schellpeper
Baack	Coordsen	Hefner	Lynch	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Schmit
Beck	Dierks	Korshoj	Moore	Scofield
Bernard-Stevens	Elmer	Kristensen	Morrissey	Smith
Beyer	Goodrich	Labedz	Nelson	Wehrbein
Byars	Haberman	Lamb	Pirsch	Weihing
Chambers	Hall	Landis	Robak	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 3:

Johnson, R. Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 255.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1117.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the preparation and payment of payrolls; and to repeal the original section.

Whereupon the 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	Hartnett	Lindsay	Rogers
Baack	Coordsen	Hefner	Lynch	Schellpeper
Barrett	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Korshoj	Moore	Schmit
Bernard-Stevens	Elmer	Kristensen	Morrissey	Scofield
Beyer	Goodrich	Labedz	Nelson	Smith
Byars	Haberman	Lamb	Peterson	Wehrbein
Chambers	Hall	Landis	Pirsch	Weihing
Chizek	Hannibal	Langford	Robak	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 3:

Johnson, R. Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 295.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4513 and 44-4515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to restrictions on insurance policies and certificates; to change a provision relating to a policyholder's right to return a policy; and to repeal the original sections.

Whereupon the 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	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Korshoj	Moore	Schmit
Beck	Dierks	Kristensen	Morrissey	Scofield
Bernard-Stevens	Elmer	Labedz	Nelson	Smith
	Goodrich	Lamb	Peterson	Wehrbein
Beyer	Haberman	Landis	Pirsch	Weihing
Byars	Hall	Langford	Robak	Wesely
Chambers	Hannibal			

Voting in the negative, 0.

Excused and not voting, 3:

Johnson, R. Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.05, Reissue Revised Statutes of Nebraska, 1943; to decrease the fee for amateur radio station license plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Chambers	Hannibal	Langford	Robak
Ashford	Chizek	Hartnett	Lindsay	Rogers
Baack	Conway	Hefner	Lynch	Schellpeper
Barrett	Coordsen	Johnson, L.	McFarland	Schmit
Beck	Crosby	Korshoj	Moore	Scofield
Bernard-Stevens	Dierks	Kristensen	Morrissey	Smith
	Elmer	Labedz	Nelson	Wehrbein
Beyer	Goodrich	Lamb	Peterson	Weihing
Byars	Haberman			

Voting in the negative, 3:

Hall	Landis	Pirsch

Present and not voting, 2:

Schimek	Wesely

Excused and not voting, 3:

Johnson, R.	Warner	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 70

Mr. Hall withdrew his pending amendment, FA23, found in the Journal on page 609 to LB 70.

MOTION - Return LB 70 to Select File

Mr. Hall moved to return LB 70 to Select File for the following specific amendment:
FA27
to amend the Final Reading copy of LB 70 on page 3, line 7, after "licensee" insert the following: "and medical offices of medical doctors"

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a roll call vote on his motion to return.

Voting in the affirmative, 24:

Abboud	Chizek	Hall	Lindsay	Robak
Baack	Conway	Hartnett	Lynch	Rogers
Bernard-Stevens	Elmer	Korshoj	McFarland	Schimek
	Goodrich	Kristensen	Moore	Schmit
Beyer	Haberman	Labedz	Pirsch	Weihing

Voting in the negative, 22:

Barrett	Crosby	Lamb	Nelson	Smith
Beck	Dierks	Landis	Peterson	Warner
Byars	Hannibal	Langford	Schellpeper	Wehrbein
Chambers	Hefner	Morrissey	Scofield	Wesely
Coordsen	Johnson, L.			

Excused and not voting, 3:

Ashford	Johnson, R.	Withem

The Hall motion to return lost with 24 ayes, 22 nays, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 70.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943; to require retail licensees to post warning signs for pregnant women as prescribed; to provide for the distribution of information; to authorize a fee; to create a fund; to eliminate certain sections declared unconstitutional; to harmonize provisions; and to repeal the original section, and also sections 53-117.03 and 53-117.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Hefner	McFarland	Schellpeper
Barrett	Crosby	Johnson, L.	Moore	Schimek
Beck	Dierks	Kristensen	Morrissey	Scofield
Bernard-Stevens	Elmer	Labedz	Nelson	Smith
	Goodrich	Lamb	Peterson	Warner
Beyer	Haberman	Landis	Pirsch	Wehrbein
Byars	Hall	Langford	Robak	Weihing
Chambers	Hannibal	Lindsay	Rogers	Wesely
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 4:

Baack	Conway	Korshoj	Lynch

Excused and not voting, 4:

Ashford	Johnson, R.	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 115.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943; to change a fee

for the replacement or duplication of a certificate of title; and to repeal the original section.

Whereupon the 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	Hartnett	Lindsay	Rogers
Baack	Coordsen	Hefner	Lynch	Schellpeper
Barrett	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Korshoj	Moore	Scofield
Bernard-Stevens	Elmer	Kristensen	Morrissey	Smith
	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Byars	Hall	Landis	Pirsch	Weihing
Chambers	Hannibal	Langford	Robak	Wesely
Chizek				

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Johnson, R.	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.03 and 60-311.04, Reissue Revised Statutes of Nebraska, 1943; to authorize special license plates for disabled veterans; to provide for replacement license plates; to provide fees for the issuance of certain license plates; to provide an operative date; and to repeal the original sections.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Conway	Hannibal	Langford	Pirsch
Baack	Coordsen	Hartnett	Lindsay	Robak
Beck	Crosby	Hefner	McFarland	Rogers
Bernard-Stevens	Dierks	Johnson, L.	Moore	Schellpeper
	Elmer	Korshoj	Morrissey	Scofield
Beyer	Goodrich	Kristensen	Nelson	Smith
Byars	Haberman	Labedz	Peterson	Wehrbein
Chizek	Hall	Lamb		

Voting in the negative, 7:

Barrett	Landis	Schimek	Warner	Weihing
Chambers	Lynch			

Present and not voting, 1:

Wesely

Excused and not voting, 4:

Ashford	Johnson, R.	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 156.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to recipients of the Purple Heart as prescribed; to provide fees; to provide for rules and regulations; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Byars	Crosby	Haberman	Hefner
Baack	Chizek	Dierks	Hall	Johnson, L.
Beck	Conway	Elmer	Hannibal	Korshoj
Beyer	Coordsen	Goodrich	Hartnett	Kristensen

Labedz	McFarland	Peterson	Rogers	Scofield
Lamb	Moore	Pirsch	Schellpeper	Smith
Lindsay	Nelson	Robak		

Voting in the negative, 11:

Barrett	Chambers	Lynch	Schimek	Wehrbein
Bernard-Stevens	Landis	Morrissey	Warner	Weihing
	Langford			

Present and not voting, 1:

Wesely

Excused and not voting, 4:

Ashford	Johnson, R.	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 256.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1118.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the annual inventory of state property 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	Conway	Hartnett	Lindsay	Rogers
Baack	Coordsen	Hefner	Lynch	Schellpeper
Barrett	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Korshoj	Moore	Scofield
Bernard-Stevens	Elmer	Kristensen	Morrissey	Smith
	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Byars	Hall	Landis	Pirsch	Weihing
Chambers	Hannibal	Langford	Robak	Wesely
Chizek				

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Johnson, R. Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 191. Placed on General File as amended.
Standing Committee amendment to LB 191:
AM0250

1. On page 2, line 4, after "an" insert "annually updated"; in line 6 after "the" insert "members of the"; in line 9 after "association" insert "if applicable"; in line 11 after "association" insert "if applicable"; and strike lines 12 through 18 and insert:

"(4) An explanation of the procedures by which the organization or association arrives at a decision to support or oppose legislation and by which citizens may provide input into such decision.

The information statement shall be a public record and available for inspection during normal business hours at the office where the official records of the governing body of the subdivision are kept.".

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 116 in the Journal. No objections. So ordered.

FA28

Page 2, line 8, after "prostitution", add,

No person who engages in an act of prostitution or who solicits such an act shall be competent to testify in any proceeding against any person with whom he or she commits such act or from whom he or she solicits such act."

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 57, 94, 97, 126, 133, 229, 230, 233, 251, 255, 295, 58, 70, 115, 142, 156, and 256.

GENERAL FILE

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendments, AM0132, found in the Journal on page 536 for the Nineteenth 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 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 408. Title read. Considered.

Standing Committee amendments, AM0131, found in the Journal on page 537 for the Nineteenth Day, were adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mr. Lindsay asked unanimous consent to be excused until he returns. 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 412. Title read. Considered.

Standing Committee amendment, AM0148, found in the Journal on page 542 for the Nineteenth Day, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 61. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 431A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 431, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 231A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 231, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 360A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 520A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 240. Placed on General File.
LEGISLATIVE BILL 790. Placed on General File.

LEGISLATIVE BILL 125. Indefinitely postponed.
LEGISLATIVE BILL 494. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0240
(Amendments to Standing Committee amendments, AM0181)
1. On page 2, line 17, strike "a reasonable person"; and in line 18 strike "with".
2. On page 3, strike beginning with the first "at" in line 1 through "annexation" in line 2; and strike beginning with the third "the" in line 7 through the second "as" in line 9.

Mr. Wesely asked unanimous consent to print the following amendment to LB 733 in the Journal. No objections. So ordered.

AM0283
1. On page 4, in lines 5, 10, 15, 19, and 24 strike "in".
2. 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.".

GENERAL FILE

LEGISLATIVE BILL 349. Title read. Considered.

Standing Committee amendments, AM0150, found in the Journal on page 542 for the Nineteenth Day, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Standing Committee amendment, AM0147, found in the Journal on page 550 for the Nineteenth Day, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Standing Committee amendment, AM0168, found in the Journal on page 550 for the Nineteenth Day, was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

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.

Advanced to E & R for Review with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 231. E & R amendment, AM5033, found in the Journal on page 577 for the Twenty-First Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 366. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 56. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 127. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 167. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 184. E & R amendments, AM5035, found in the Journal on page 578 for the Twenty-First Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 185. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 342. E & R amendments, AM5036, found in the Journal on page 593 for the Twenty-First Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 195. E & R amendments, AM5038, found in the Journal on page 606 for the Twenty-Second Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendment, AM5040, found in the Journal on page 606 for the Twenty-Second Day, was adopted.

Mr. Landis requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 209. E & R amendment, AM5039, found in the Journal on page 606 for the Twenty-Second Day, was adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 317	Tuesday, March 7, 1989 (cancelled)	1:30 p.m.
LB 317	Friday, February 24, 1989 (reset)	1:30 p.m.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mr. Warner announced hearings on LB 303 and LB 309, previously announced on page 572 of the Journal, will be located in Room 1520 of the State Capitol on Wednesday, March 1, at 6:00 p.m.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 703. Placed on General File.
LEGISLATIVE BILL 777. Placed on General File.
LEGISLATIVE BILL 780. Placed on General File.

(Signed) Jacklyn Smith, Chairperson

Agriculture

LEGISLATIVE BILL 37. Placed on General File as amended.
Standing Committee amendments to LB 37:
AM0289

1. On page 6, line 12, strike "bag" and insert "containers".
2. On page 44, reinstate the stricken matter in lines 23 through 25.
3. On page 45, line 1, reinstate the stricken

"Nebraska each calendar year" and after the reinstated "year" insert "; or"; and in line 5 reinstate the stricken "(b) If" and strike "if".

LEGISLATIVE BILL 120. Placed on General File as amended.
Standing Committee amendment to LB 120:
AM0288

1. On page 6, line 20, after "who" insert "knowingly and intentionally".

(Signed) Rod Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 77. Placed on General File as amended.
Standing Committee amendments to LB 77:
AM0011

1. Insert the following new section:

"Section 1. That section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239.01. (1) ~~As used in~~ For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska, which shall consist of the systematic identification of exposures to risk of loss as provided in ~~this act~~ sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to ~~this act~~ such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in ~~this act~~ such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility

to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and to establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance and, after consultation with the state agency for which the insurance is purchased, enter into such contracts of insurance on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and to authorize payment for such purchase of insurance out of the appropriate funds created by sections 44-1630 and 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 44-1622, 44-1623, ~~and~~ 44-1630, and 81-8,239.05;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and ~~the University of Nebraska; and~~

(j) Recommend to the Legislature such

legislation as may be necessary to carry out the purposes of ~~this act~~ sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and to make appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager.".

2. On page 7, line 14, after "sections" insert "81-8,239.01,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 311. Placed on General File as amended.
Standing Committee amendment to LB 311:
AM0305

1. On page 10, line 4, after the period insert "Nothing in this section shall prohibit the provision of loans, including loans made pursuant to the Conservation Corporation Act, to a municipality as defined in section 81-15,149 for the construction, development, rehabilitation, operation, maintenance, and improvement of wastewater treatment facilities.".

LEGISLATIVE BILL 350. Placed on General File as amended.
Standing Committee amendment to LB 350:
AM0290

1. On page 7, lines 16 through 24, strike the new matter and reinstate the stricken matter; and in line 24 after the reinstated "employment" insert ", or any employee, parent, child, brother, or sister of the owner or any employee of a licensed broker who manages rental property for the owner of such property".

LEGISLATIVE BILL 597. Placed on General File as amended.
Standing Committee amendment to LB 597:
AM0310

1. On page 3, line 21, after "committee" insert "if such person acts without malice".

LEGISLATIVE BILL 598. Placed on General File as amended.
Standing Committee amendment to LB 598:

AM0293
1. On page 3, lines 7, 9, and 11, strike "five" and insert "three".

LEGISLATIVE BILL 692. Placed on General File as amended.
Standing Committee amendments to LB 692:
AM0311
1. On page 4, lines 20 through 25, reinstate the stricken matter.
2. On page 5, line 1, reinstate the stricken matter.

(Signed) Dave Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 521. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 48 in the Journal. No objections. So ordered.

AM0309
1. Strike the Standing Committee amendments, AM0040.
2. On page 2, line 11, strike the colon; in line 12 strike "(1) Distribute" and insert "distribute" and strike "smokeless"; in line 14 strike both occurrences of "and" and insert "or"; strike beginning with the semicolon in line 15 through "mouth" in line 21; and in line 23 strike "smokeless".
3. On page 3, line 1, strike "smokeless".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1989, at 11:30 a.m., were the following bills: 57, 94, 97, 126, 133, 229, 230, 233, 251, 255, 295, 58, 70, 115, 142, 156, and 256.

(Signed) Jan Loder, Enrolling Clerk

VISITORS

Visitors to the Chamber were Art Anderson from Bloomfield; Arnie Gebers from Scribner; Marlin Winter from Norfolk; eight seniors and teacher from Exeter; former Senator Maresh; Gary Thompson from Red Cloud; Bob O'Neill from Beatrice; Bill Schneider from Columbus; Allen Holle from Deshler; and Jim Campbell from Stanton.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Friday, February 10, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 10, 1989

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY - FEBRUARY 10, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Moore.

ROLL CALL

The roll was called and all members were present except Messrs. Lynch and Morrissey who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Chizek, Hall, Landis, Withem, Mrs. Beck, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendment to LB 327:
AM5055
1. On page 6, line 17, strike the comma; and
in line 24 strike the first comma and show as stricken.

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendment to LB 408:

AM5052

1. On page 4, line 21; and page 8, line 17, strike "grades" and insert "grade".

LEGISLATIVE BILL 412. Placed on Select File.

LEGISLATIVE BILL 61. Placed on Select File as amended.
E & R amendment to LB 61:
AM5051

1. On page 2, line 23, after the third comma insert "and".

LEGISLATIVE BILL 349. Placed on Select File as amended.
E & R amendments to LB 349:
AM5054

1. On page 1, line 2, strike "to" and insert ", 44-416.03, and".

2. On page 6, line 20, strike "Security", show as stricken and insert "Securities".

LEGISLATIVE BILL 176. Placed on Select File as amended.
E & R amendments to LB 176:
AM5053

1. In the Standing Committee amendments, AM0147, on page 1, line 7, strike "minimus" and insert "minimis".

2. On page 1, line 3, after the semicolon insert "to define a term;".

(Signed) John C. Lindsay, Chairperson

MESSAGES FROM THE GOVERNOR

February 2, 1989

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:
Edward J. Schlachter, 813 E. 7 Street, Hastings, NE 68901, (402) 463-2441.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 2, 1989

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 Educational Lands and Funds, requiring legislative confirmation.

Appointee:
Demarus Carlson, Box 191, Crofton, NE 68730, (402) 388-4868.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 31, 1989

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 Department of Public Institutions, Social Services, and Corrections, requiring legislative confirmation.

Appointee:
Linda Perlman, 700 East 2nd Street, York, NE 68467, (402) 362-3212.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 8, 1989

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:
Ann L. Spence, 9737 Frederick Street, Omaha, NE 68124, (402) 345-8844.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 8, 1989

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:
David L. Timperley, D.C., 4535 Normal Blvd., Lincoln, NE 68506, (402) 483-6633.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 31, 1989

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:
J. Robert Duncan, P.O. Box 81887, Lincoln, NE 68501, (402) 475-2611.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:tr

February 8, 1989

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 Committee for Postsecondary Education, requiring legislative confirmation.

Appointee:
J. L. Spray, 1401 FirsTier Bank Bldg., Lincoln, NE 68508, (402) 475-8433.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

ANNOUNCEMENT

Mr. Baack designates LB 183 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 25. Read. Considered.

Mr. Schmit offered the following amendment:
FA29
1. On page 607 of the Journal, in the first "RESOLVED", strike "implementation of" and insert "the financing of"; and strike "and approves the financing of such project".
2. On page 608 of the Journal, in the second "RESOLVED", after the first "approves" insert "the financing of"; strike "and approves the financing of such project"; and strike the third "RESOLVED".

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Schmit amendment lost with 9 ayes, 18 nays, 18 present and not voting, and 4 excused and not voting.

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.

LR 25 was adopted with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 42. Placed on General File.
LEGISLATIVE BILL 44. Placed on General File.
LEGISLATIVE BILL 708. Placed on General File.

LEGISLATIVE BILL 110. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Revenue

LEGISLATIVE RESOLUTION 2CA. Placed on General File.

LEGISLATIVE BILL 607. Placed on General File as amended.
Standing Committee amendment to LB 607:
AM0307

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 775. Placed on General File as amended.
Standing Committee amendment to LB 775:
AM0308

1. On page 2, line 12, after "village" insert ", except a city of the metropolitan class,"; in lines 5 and 13 strike the new matter and reinstate the stricken matter; and in line 15 after the period insert "Any city of the metropolitan class is hereby directed to impose a tax of two percent on the gross receipts received from the conducting of bingo within such city.".

(Signed) Tim Hall, Chairperson

Health and Human Services

LEGISLATIVE BILL 610. Placed on General File as amended.
Standing Committee amendments to LB 610:
AM0155

1. On page 4, lines 20 and 21, strike "inspection and".

2. On page 10, line 1, strike "inspection and".

3. On page 13, line 14, after "prevent" insert "(a)"; in lines 15 and 16, strike the new matter and reinstate the stricken matter; and in line 20 after "thereto" insert "or (b) the long-term care ombudsman of the Department on Aging, acting in his or her official capacity, from entering a nursing home to conduct an investigation authorized by any rules and regulations adopted and promulgated by the department".

4. On page 15, line 21, after "Services" insert "relating to any patient, resident, or complainant who has given written consent to the long-term care ombudsman to review his or her records or to any records of the facility regarding such patient, resident, or complainant who has given such written consent. In those cases when a patient, resident, or complainant is unable to consent to a review of his or her records and he or she does not have a legal guardian, the long-term care ombudsman shall have access to the records relevant to the case of the specific patient, resident, or complainant under investigation by the long-term care ombudsman".

(Signed) Don Wesely, 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 9, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Baldwin, Preston - Greenwich, CT	United States Tobacco Company
Christian, Cliff - Helena, MT	National Tax Limitation Committee
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Independent Insurance Agents of Omaha
Fortune, Anne Ostrand - Omaha	Nebraska Hospital Association
Goings, Tina L. - Lincoln	International Association of Credit Card Investigators
Kelley, Michael - Omaha	Eastern Nebraska Human Service Agency
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Nucor Corporation
Orton, Leroy W. - Lincoln	Mid America Association of Asbestos Contractors
	Nebraska Well Drillers Association
Peterson, Trev E./Knudsen, Berkheimer, et al.	
Peterson, Trev E. - Lincoln	Nebraska Mortgage Association
Radcliffe, Walter/Tews & Radcliffe	
Radcliffe, Walter H. - Lincoln	American Paper Institute Inc.
Van Pelt, Mark - Omaha	International Association of Credit Card Investigators

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM0306

1. On page 4, line 21; and page 8, line 17, strike "grades" and insert "grade".

2. On page 10, line 7, after "student" insert "unless the school is significantly different than the school regularly attended".

MESSAGE FROM THE GOVERNOR

February 10, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 35, 36, 38, 53, 79, 123, 190, 51, 60, 189, 207, 45, 168, and 169 were received in my office on February 7, 1989.

These bills were signed by me on February 10, 1989 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendments to LB 140:
AM5056

1. On page 3, line 10, after the comma insert "any of"; in line 12 after the comma insert "any of the"; and in line 18 strike "herein" and after "named" insert "in this section".

2. Renumber sections 11 and 12 as sections 12 and 11 respectively.

3. On page 5, line 19, strike the comma.

4. On page 8, line 12, after "qualified" insert "and".

5. On page 10, line 3, strike the second comma.

6. On page 13, in lines 13, 15, and 22; page 16, line 9; and page 17, in lines 8, 10, and 14 strike the comma.

7. On page 14, line 9, after "account" insert an underscored comma.

8. On page 15, line 10, strike the comma; and in line 18 strike "section" and insert "sections".

9. On page 22, line 20, after "Plan" insert "Act".

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 29. Read. Considered.

LR 29 was adopted with 31 ayes, 0 nays, and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 221. Mr. Weihing offered the following amendment:
AM0328

1. Strike original section 6 and all amendments thereto and insert the following new section:

"Sec. 6. That section 77-2341, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2341. ~~Whenever any county, city, village, school district or other governmental subdivision of the State of Nebraska shall have accumulated a surplus of any fund in excess of its current needs, or shall have accumulated a sinking fund for the payment of its bonds and the money in such sinking fund shall exceed the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such county, city, village, school district or other governmental subdivision, is hereby authorized to invest such surplus, in excess of current needs, or such excess in its sinking funds, as aforesaid, in any securities in which the Board of Educational Lands and Funds is authorized by law to invest the educational funds of the state 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.~~

(1) Whenever any county, city, village, or other governmental subdivision, other than a school district, of the State of Nebraska has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its

bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such county, city, village, or other governmental subdivision may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposits, in time deposits, and in any securities in which the state investment officer is authorized to invest pursuant to sections 72-1237 to 72-1276 and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. The state investment officer shall upon request furnish a copy of current authorized investment guidelines of the Nebraska Investment Council.

(2) Whenever any school district of the State of Nebraska has accumulated a surplus of any fund in excess of its current needs or has accumulated a fund for the payment of bonds and the money in such fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the board of education of such school district may invest any such surplus in excess of current needs or such excess in the bond fund in securities in which such board of education is authorized to invest pursuant to section 79-1308.01.

(3) Nothing in subsection (1) of this section shall be construed to restrict investments authorized pursuant to section 14-563.

(4) Nothing in subsections (1), (2), and (3) of this section shall be construed to authorize investments in venture capital.".

The Weihing amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254. Mr. Baack renewed his pending amendment, AM0229, found in the Journal on page 609.

The Baack amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Baack offered the following amendment:
FA30
Page 5, line 10: after "who" insert ", as a result of a publicly financed project,".

The Baack amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA31
Page 4, line 25,
Strike "generally" and show as stricken.

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Baack offered the following amendment:
FA32
1. On page 5, line 16: strike "such" and beginning with "as" through "permanent" on line 19, and insert "when such displacement is permanent"
2. On page 6, strike beginning with the comma on line 8 thru the comma on line 9.

The Baack 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 114. Mr. Schellpeper renewed his pending amendment, AM0159, found in the Journal on page 543.

The Schellpeper 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.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 48. Mr. Moore withdrew his pending amendments, (1) AM0223, (2) AM0221, (3) AM0215, (4) AM0220, (5) AM0219, (6) AM0225, (7) AM0222, (8) AM0218, (9) AM0217,

(10) AM0216, (11) AM0213, and (12) AM0224, found in the Journal on pages 597 through 599.

Messrs. Moore and Bernard-Stevens offered the following amendment:
AM0261

1. On page 2, line 13, strike "or at"; and in line 14 strike "nominal cost".

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Messrs. Moore and Bernard-Stevens withdrew their pending amendment, AM0261.

Mr. Moore offered the following amendment:
AM0315

1. On page 2, line 6, strike "impractical and ineffective" and insert "effective"; strike line 9 and insert "promotional distribution to minors."; in line 13 strike "the general public" and insert "minors"; and in line 25 after "purposes" insert "to minors".

2. On page 3, line 2, strike "the general public" and insert "minors"; and strike line 18 and insert "package to a minor".

Mr. Moore asked unanimous consent to replace his pending amendment, AM0315, with a substitute Bernard-Stevens amendment. No objections. So ordered.

Mr. Bernard-Stevens offered the following substitute amendment:
AM0274

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors. The Legislature further finds that additional restrictions are necessary to prohibit the consumption of smokeless tobacco products by minors. The Legislature specifically finds that at

this time there is no prohibition against minors purchasing and possessing tobacco products and that not only should there be criminal sanctions against adults providing tobacco to minors but, as in alcohol legislation, there should be criminal sanctions against minors purchasing or possessing tobacco products. It is the further intent of the Legislature to regulate the subject matter of sections 1 to 5 of this act and sections 28-1418 and 28-1419.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Distribute shall mean to give smokeless tobacco products to the general public at no cost or to give coupons or rebate offers with the products;

(2) Minor shall mean a person under eighteen years of age; and

(3) Smokeless tobacco product shall mean (a) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (b) a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

Sec. 3. (1) Manufacturers, wholesalers, or retailers or their representatives shall not distribute samples of smokeless tobacco products as part of an advertising plan or program which require proof of purchase of a smokeless tobacco product unless such offer carries the following designation: This offer is not available to minors. Any mail-in coupon for samples of smokeless tobacco products shall include a statement requiring the purchaser to certify that the purchaser is eighteen years of age or older.

(2) Manufacturers, wholesalers, or retailers or their representatives may honor mail-in requests received in compliance with subsection (1) of this section for coupons redeemable for a smokeless tobacco product at retail outlets only. Any such coupon shall be redeemable only if the bearer presents identification legally recognized by the State of Nebraska confirming the bearer is eighteen years of age or older.

(3) Manufacturers, wholesalers, or retailers or their representatives shall not by any means as part of an advertising plan or program distribute free samples of smokeless tobacco products within a two-block

radius of any premises or facilities the primary purpose of which is directed toward persons under eighteen years of age, including, but not limited to, schools, clubhouses, and youth centers at times when such premises or facilities are being used for their primary purpose.

(4) Manufacturers, wholesalers, or retailers or their representatives shall not distribute as part of any advertising plan or program unsolicited samples of smokeless tobacco products or redeemable coupons for such products through a mail campaign to any person.

Sec. 4. (1) The Attorney General shall apply for an injunction in the district court of the county in which any violation of section 3 of this act occurs to enjoin a person from engaging in any practice which violates such section. Notice shall be given by certified mail to the person at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 3 of this act. A civil penalty shall be imposed on such person in an amount of five hundred dollars for the first offense and in an amount of not less than six hundred dollars nor more than three thousand dollars for a second or subsequent offense. Each distribution of a single package in violation of such section to an individual shall be considered a separate violation.

Sec. 5. No county, city, or village shall adopt any ordinance or regulation less restrictive than sections 1 to 4 of this act or sections 28-1418 and 28-1419.

Sec. 6. That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a minor~~ Any person under ~~the age of~~ eighteen years~~, shall smoke~~ of age who purchases, possesses, or smokes cigarettes or cigars~~, or use~~ or who purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. ~~Any minor so charged with the violation of this section may be free from prosecution when he shall have furnished evidence for the conviction of the person or persons selling or giving him the cigarettes, cigars or tobacco.~~

Sec. 7. That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way, any tobacco in any form whatever, or any cigarettes, or cigarette paper, to any minor under eighteen years of age, shall be guilty of a Class III misdemeanor for each offense.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 56, 127, 167, 184, 185, 231, and 366.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 361. Placed on General File as amended.
Standing Committee amendments to LB 361:
AM0326

1. Insert the following new section:

"Sec. 14. That section 77-1506.02, Revised Statutes Supplement, 1988, 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 on and after assessment year 1990 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.

For assessment year 1989, the Department of Revenue shall calculate an adjustment factor for all land use categories of agricultural land. On or before May 1, 1989, the department shall provide such adjustment factor to each county board of equalization. The adjustment factor shall be calculated in order to adjust the value found in the 1989 agricultural land manual to comply with the actual value standard prescribed in section 77-112. The county board of equalization shall use such adjustment factor to determine the actual value of agricultural land. The county board of equalization may adjust the actual value of agricultural land so determined in order to equalize agricultural land value with that of other property classes.".

2. On page 18, lines 8, 10, 20 through 22, and 25, strike the underscored matter and reinstate the stricken matter; and in lines 16 through 19 reinstate the stricken matter.

3. On page 20, line 11, strike "and"; in line 16 strike the new matter and reinstate the stricken matter; reinstate lines 17 and 18; and in line 19 reinstate the stricken "agricultural land and horticultural land" and after the second reinstated "land" insert an underscored period.

4. On page 22, line 8, strike "and"; and in

line 9 after the first comma insert "77-1506.02,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 426. Placed on General File as amended.
Standing Committee amendments to LB 426:
AM0088

1. Insert the following new section:

"Section 1. That section 57-234, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-234. Where oil, gas, or other hydrocarbon wells or fields belonging to multiple owners are operated as a unit, the owner of each fractional interest in such unit shall be liable for the same proportion of the tax levied against the total unit that his or her fractional interest therein bears to the total of interests in such unit.

(2) The unit operator shall collect from the owners of the fractional interests and remit to the county treasurer of the county in which the unit is located the tax levied against the entire unit. The unit operator may deduct and withhold from royalty payments, or any other payments made to any fractional interest owner, either in kind or in money, the estimated amount of the tax to be paid by such fractional interest owner. Any difference between the estimated tax so withheld and the actual tax payable by any owner of a fractional interest may be accounted for by adjustments in royalty or other payments made to such owner subsequent to the time the actual tax is determined.

(3) At the request of any unit operator who does not disburse payments to fractional interest owners, the first purchaser shall collect the tax from the fractional interest owners and transfer such proceeds to the unit operator who shall remit to the treasurer the tax levied against the entire unit. Such first purchaser shall collect from the fractional interest owners under the same procedure outlined for the unit operator in this section.

(4) Failure of the unit operator to collect and remit the tax as provided in this section shall not preclude the county treasurer from utilizing lawful

collection and enforcement remedies and procedures against the owner of any fractional interest to collect the tax owed by such owner, ; but a nonoperating owner shall not be subject to penalty or interest upon the tax owed unless he or she fails to remit such tax within twenty days after notification to him or her by the county treasurer of the default of the operator.

(5) For ~~the~~ purposes of this section, unit shall mean any single oil, gas, or other hydrocarbon well or field which has multiple ownership, or any combination of oil, gas, or other hydrocarbon wells, fields, and properties consolidated into a single operation, whether by a formal agreement or otherwise, and owner shall mean the holder of any interest or interests in any such property or unit, including royalty interests.

(6) For purposes of this section, commencing January 1, 1990, a leasehold interest in any oil, gas, hydrocarbons, or other minerals is real property and shall be assessed as real property pursuant to section 77-1301. Ad valorem taxes levied by any political subdivision shall operate as a first lien on all such oil, gas, hydrocarbons, and other minerals produced or mined from such leasehold. Such lien shall follow the resource into the hands of third parties whether the resource is acquired in good faith or bad faith or is in a manufactured or unmanufactured state. Such tax may be estimated and withheld from proceeds or other payments as provided in subsection (2) of this section.".

2. On page 4, line 24, strike "section" and insert "sections 57-234 and"; and in line 25 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendment to LB 643:
AM0322

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.".

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

AM0318

1. On page 3, line 3, strike "or" and insert "as defined in section 20-203, 28-520, or 28-521 or any".

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 2CA. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 760. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 714. No objections. So ordered.

ANNOUNCEMENT

Mr. Landis announced the Banking, Commerce and Insurance Committee will meet in the East Chamber on Monday, February 13, 1989, instead of Room 1117.

VISITORS

Visitors to the Chamber were Kurt Van Norman from Minden and Clayton Lukow from Holstein; Phyllis Lainson and Dianna Ridge from Hastings; and Mr. and Mrs. Robert Heider from Hebron.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Monday, February 13, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 13, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Duane Voorman, Trinity Lutheran, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Haberman, Withem, Mmes. Nelson, and Pirsch who were excused; and Messrs. Abboud, Baack, Chambers, Chizek, Lindsay, Morrissey, Warner, Mmes. Beck, Crosby, Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 195, 198, 209, and 342.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 342

The following changes, required to be reported for publication in the Journal, have been made:
ER6112

1. On page 27, line 20, an underscored comma has been inserted after "dollars".
2. On page 47, line 3, the underscored comma has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT

Received report from the Nebraska Department of Roads of projected highway user revenue distribution.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 25 and LR 29.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to hunting and fishing; to amend section 37-614, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liquidated damages as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Barrett	Byars	Elmer	Hartnett	Korshoj
Bernard-Stevens	Conway	Goodrich	Hefner	Lamb
Beyer	Coordsen	Hall	Johnson, L.	Landis
	Dierks	Hannibal	Johnson, R.	Langford

Lynch	Peterson	Schellpeper	Smith	Weihing
McFarland	Robak	Scofield	Wehrbein	Wesely
Moore	Rogers			

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Schmit

Excused and not voting, 16:

Abboud	Chambers	Haberman	Morrissey	Schimek
Ashford	Chizek	Labedz	Nelson	Warner
Baack	Crosby	Lindsay	Pirsch	Withem
Beck				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to marriage; to amend section 42-404, Reissue Revised Statutes of Nebraska, 1943; to eliminate a restriction on where Indians may obtain marriage licenses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barrett	Crosby	Hefner	Langford	Schellpeper
Bernard-Stevens	Dierks	Johnson, L.	Lynch	Scofield
Beyer	Elmer	Johnson, R.	McFarland	Smith
Byars	Goodrich	Korshoj	Moore	Wehrbein
Conway	Hall	Kristensen	Peterson	Weihing
Coordsen	Hannibal	Lamb	Robak	Wesely
	Hartnett	Landis	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 15:

Abboud	Beck	Haberman	Morrissey	Schimek
Ashford	Chambers	Labedz	Nelson	Warner
Baack	Chizek	Lindsay	Pirsch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 82. With Emergency.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1628, Revised Statutes Supplement, 1988; to change provisions relating to jury lists; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett	Crosby	Hefner	Langford	Schellpeper
Bernard-Stevens	Dierks	Johnson, L.	Lynch	Schimek
Beyer	Elmer	Johnson, R.	McFarland	Scofield
Byars	Goodrich	Korshoj	Moore	Smith
Conway	Hall	Kristensen	Peterson	Wehrbein
Coordsen	Hannibal	Lamb	Robak	Weihing
	Hartnett	Landis	Rogers	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 14:

Abboud	Beck	Haberman	Morrissey	Warner
Ashford	Chambers	Labedz	Nelson	Withem
Baack	Chizek	Lindsay	Pirsch	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to municipal improvements; to amend section 19-2431, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to special assessments on land in an agricultural use zone within improvement districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Barrett	Crosby	Hefner	Langford	Schimek
Bernard-Stevens	Dierks	Johnson, L.	Lynch	Schmit
Beyer	Elmer	Johnson, R.	McFarland	Scofield
Byars	Goodrich	Korshoj	Moore	Smith
Conway	Hall	Kristensen	Peterson	Wehrbein
Coordsen	Hannibal	Lamb	Robak	Weihing
	Hartnett	Landis	Schellpeper	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 14:

Abboud	Beck	Haberman	Morrissey	Warner
Ashford	Chambers	Labedz	Nelson	Withem
Baack	Chizek	Lindsay	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 113.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2353.01, Revised Statutes Supplement, 1988; to add a permissible investment for public power district funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Dierks	Johnson, R.	McFarland	Schimek
Bernard-Stevens	Elmer	Korshoj	Moore	Schmit
Beyer	Goodrich	Kristensen	Morrissey	Scofield
Byars	Hall	Lamb	Peterson	Smith
Conway	Hannibal	Landis	Robak	Wehrbein
Coordsen	Hartnett	Langford	Rogers	Weihing
Crosby	Hefner	Lynch	Schellpeper	Wesely
	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 13:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Labedz	Pirsch	Withem
Baack	Chizek	Lindsay		

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 cities of the metropolitan class; to amend sections 5-108, 5-108.02, 14-201, 14-201.03, and 14-201.04, Reissue Revised Statutes of Nebraska, 1943; to provide quadrennial city council elections; to provide for redrawing city council districts in cities of the metropolitan class as prescribed; to harmonize provisions; and to repeal the original sections.

Mr. Hall 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, 20:

Bernard-Stevens	Dierks	Johnson, R.	Landis	Schmit
Beyer	Elmer	Korshoj	McFarland	Wehrbein
Conway	Hall	Kristensen	Robak	Weihing
Coordsen	Hartnett	Labedz	Rogers	Wesely

Voting in the negative, 15:

Barrett	Goodrich	Lamb	Moore	Schellpeper
Byars	Hefner	Langford	Morrissey	Schimek
Crosby	Johnson, L.	Lynch	Peterson	Smith

Present and not voting, 2:

Hannibal Scofield

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 166. With Emergency.

A BILL FOR AN ACT relating to game and fish; to amend sections 37-503.05 and 37-505, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of nongame fish and bullheads 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, 37:

Barrett	Dierks	Johnson, R.	McFarland	Schimek
Bernard-Stevens	Elmer	Korshoj	Moore	Schmit
Beyer	Goodrich	Kristensen	Morrissey	Scofield
Byars	Hall	Labedz	Peterson	Smith
Conway	Hannibal	Lamb	Robak	Wehrbein
Coordsen	Hartnett	Landis	Rogers	Weihing
Crosby	Hefner	Langford	Schellpeper	Wesely
	Johnson, L.	Lynch		

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to game and parks; to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943; to prohibit taking animals as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Dierks	Johnson, R.	Lynch	Schimek
Bernard-Stevens	Elmer	Korshoj	McFarland	Schmit
Beyer	Goodrich	Kristensen	Moore	Scofield
Byars	Hall	Labedz	Morrissey	Smith
Conway	Hannibal	Lamb	Robak	Wehrbein
Coordsen	Hartnett	Landis	Rogers	Weihing
Crosby	Hefner	Langford	Schellpeper	Wesely
	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 172.

A BILL FOR AN ACT relating to hunting and fishing; to amend section 37-505, Reissue Revised Statutes of Nebraska, 1943; to increase a permit fee; 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, 37:

Barrett	Dierks	Johnson, R.	McFarland	Schimek
Bernard-Stevens	Elmer	Korshoj	Moore	Schmit
Beyer	Goodrich	Kristensen	Morrissey	Scofield
Byars	Hall	Labedz	Peterson	Smith
Conway	Hannibal	Lamb	Robak	Wehrbein
Coordsen	Hartnett	Landis	Rogers	Weihing
Crosby	Hefner	Langford	Schellpeper	Wesely
	Johnson, L.	Lynch		

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Baack	Chambers	Haberman	Nelson
Ashford	Beck	Chizek	Lindsay	Pirsch

Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 194. With Emergency.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend section 19-4019, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the use of available funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barrett	Dierks	Johnson, R.	McFarland	Schimek
Bernard-Stevens	Elmer	Korshoj	Moore	Schmit
Beyer	Goodrich	Kristensen	Morrissey	Scofield
Byars	Hall	Labedz	Peterson	Smith
Conway	Hannibal	Lamb	Robak	Wehrbein
Coordsen	Hartnett	Landis	Rogers	Weihing
Crosby	Hefner	Langford	Schellpeper	Wesely
	Johnson, L.	Lynch		

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-514, Reissue Revised Statutes of Nebraska, 1943; to

provide penalties for theft 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:

Barrett	Dierks	Johnson, R.	McFarland	Schimek
Bernard-Stevens	Elmer	Korshoj	Moore	Schmit
Beyer	Goodrich	Kristensen	Morrissey	Scofield
Byars	Hall	Labedz	Peterson	Smith
Conway	Hannibal	Lamb	Robak	Wehrbein
Coordsen	Hartnett	Landis	Rogers	Weihing
Crosby	Hefner	Langford	Schellpeper	Wesely
	Johnson, L.	Lynch		

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-132.01, Reissue Revised Statutes of Nebraska, 1943; to change the time period allowed for the amortization of loan losses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett	Bernard-Stevens	Beyer	Conway	Crosby
		Byars	Coordsen	Dierks

Elmer	Johnson, L.	Landis	Peterson	Scofield
Goodrich	Johnson, R.	Langford	Robak	Smith
Hall	Korshoj	Lynch	Rogers	Wehrbein
Hannibal	Kristensen	McFarland	Schellpeper	Weihing
Hartnett	Labedz	Moore	Schimek	Wesely
Hefner	Lamb	Morrissey	Schmit	

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 321.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943; to provide borrowing limitations on certain corporations and partnerships as prescribed; to change provisions relating to the lending limit for certain loans; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Dierks	Korshoj	McFarland	Schimek
Bernard-Stevens	Elmer	Kristensen	Moore	Schmit
Beyer	Goodrich	Labedz	Morrissey	Scofield
Byars	Hall	Lamb	Peterson	Smith
Conway	Hannibal	Landis	Robak	Wehrbein
Coordsen	Hefner	Langford	Rogers	Weihing
Crosby	Johnson, L.	Lynch	Schellpeper	Wesely
	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 12:

Abboud	Beck	Haberman	Nelson	Warner
Ashford	Chambers	Lindsay	Pirsch	Withem
Baack	Chizek			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 322.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-126, Revised Statutes Supplement, 1988; to change a requirement for bank directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baack	Crosby	Johnson, L.	Lindsay	Schellpeper
Barrett	Dierks	Johnson, R.	Lynch	Schimek
Bernard-Stevens	Elmer	Korshoj	McFarland	Schmit
	Goodrich	Kristensen	Moore	Scofield
Beyer	Hall	Labedz	Morrissey	Smith
Byars	Hannibal	Lamb	Peterson	Wehrbein
Conway	Hartnett	Landis	Robak	Weihing
Coordsen	Hefner	Langford	Rogers	Wesely

Voting in the negative, 0.

Excused and not voting, 10:

Abboud	Beck	Chizek	Nelson	Warner
Ashford	Chambers	Haberman	Pirsch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 353.

A BILL FOR AN ACT relating to drug product selection; to amend section 71-5403, Reissue Revised Statutes of Nebraska, 1943; to authorize the interchange of certain controlled substances; and to repeal the original section.

Whereupon the 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:

Baack	Crosby	Johnson, L.	Lindsay	Schimek
Barrett	Dierks	Johnson, R.	Lynch	Schmit
Bernard-Stevens	Elmer	Korshoj	McFarland	Scofield
	Goodrich	Kristensen	Morrissey	Smith
Beyer	Hall	Labedz	Peterson	Wehrbein
Byars	Hannibal	Lamb	Robak	Weihing
Conway	Hartnett	Landis	Rogers	Wesely
Coordsen	Hefner	Langford	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 10:

Abboud	Beck	Chizek	Nelson	Warner
Ashford	Chambers	Haberman	Pirsch	Withem

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: 43, 80, 82, 106, 113, 166, 171, 172, 194, 200, 296, 321, 322, and 353.

SELECT FILE

LEGISLATIVE BILL 48. The Bernard-Stevens pending amendment, AM0274, found in the Journal on page 697, was renewed.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his pending amendment, AM0274, found in the Journal on page 697.

Mr. Moore renewed his pending amendment, AM0309, found in the Journal on page 682.

Mr. Moore withdrew his pending amendment, AM0309, found in the the Journal on page 682.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3 and vote on the advancement of LB 48 without further amendment or debate.

Mr. Dierks withdrew his motion to suspend the rules.

Mr. Landis moved to indefinitely postpone LB 48.

Laid over.

LEGISLATIVE BILL 273. E & R amendment, AM5034, found in the Journal on page 578 for the Twenty-First Day, was adopted.

Mr. Rogers renewed his pending amendment, AM0231, found in the Journal on page 637.

The Rogers 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 344. E & R amendments, AM5037, found in the Journal on page 594 for the Twenty-First Day, were adopted.

Mr. Kristensen offered the following amendment:
FA33

Strike Section 1.

Mr. Kristensen withdrew his pending amendment, FA33.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 92. E & R amendments, AM5044, found in the Journal on page 647 for the Twenty-Fourth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 92A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 459. E & R amendments, AM5042, found in the Journal on page 650 for the Twenty-Fourth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 458. E & R amendment, AM5041, found in the Journal on page 650 for the Twenty-Fourth Day, was adopted.

Mr. Dierks withdrew the Nelson pending amendment, AM0239, found in the Journal on page 639.

Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 43, 80, 82, 106, 113, 166, 171, 172, 194, 200, 296, 321, 322, and 353.

(Signed) Chris Abboud

BILL ON FIRST READING

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

LEGISLATIVE BILL 37A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 37, Ninety-first Legislature, First Session, 1989.

MOTION - Reconsider Action on LB 165

Mr. Hannibal moved to reconsider Final Reading vote on LB 165.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM0343

1. Insert the following new sections:

"Sec. 2. A public official or other legal notice purchaser who determines it is necessary or for purposes of public information desirable to publish a legal notice using (1) a type size larger than shown in the conversion table in section 33-141, (2) placement of the legal notice in a place more prominent than the regular legal notice portion of the legal newspaper, or (3) a legal newspaper with a paid statewide circulation in excess of one hundred thousand may negotiate with any legal newspaper for a separate contract rate different from the rates set forth in section 33-141 but no higher than the newspaper's lowest scheduled rate for classified advertisements of the type sought to be purchased.

Sec. 3. If a legal notice required by any statute of this state cannot be purchased at the rate set forth in section 33-141, or at the fraction of that rate specified by the particular statute requiring the legal notice, the legal notice purchaser may substitute for published legal notice a form of legal notice which includes, but not limited to, posting the notice for the full period specified in the statute at the place or places specified in the statute. If no place is specified, then the posting shall be in full public view at the regular meeting place or office of any public entity involved, at the place where the particular meeting, act, or event described by the notice is to occur, and on a public bulletin board in the municipal office building and the county office building of the municipality and county nearest to the place of the meeting, act, or event described in the notice.".

2. On page 2, line 5, after "notices" insert

"other than those exceptional legal notices described in section 2 of this act".

3. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 116. Mr. Chambers renewed his pending amendment, FA28, found in the Journal on page 673.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA28.

Mr. Chambers moved to indefinitely postpone LB 116.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to indefinitely postpone lost with 7 ayes, 19 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Lindsay moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 267. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 208. E & R amendments, AM5043, found in the Journal on page 650 for the Twenty-Fourth Day, were adopted.

Mr. Wesely renewed his pending amendment, AM0318, found in the Journal on page 704.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wesely amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Messrs. Chambers and Wesely offered the following amendment:
FA34
page 3, line 1,: strike "injury" and insert "or any injury that is not a severe injury"

The Chambers-Wesely amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 175A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177A. Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 261A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 284A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 338. E & R amendments, AM5045, found in the Journal on page 654 for the Twenty-Fifth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. E & R amendments, AM5046, found in the Journal on page 655 for the Twenty-Fifth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. E & R amendments, AM5047, found in the Journal on page 655 for the Twenty-Fifth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 74. E & R amendment, AM5049, found in the Journal on page 655 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 398. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499. E & R amendment, AM5048, found in the Journal on page 655 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 238. E & R amendments, AM5050, found in the Journal on page 655 for the Twenty-Fifth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 263. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendments to LB 260:
AM0323

1. On page 3, line 5, strike "ten" and insert "one hundred"; and in line 7 after the comma insert "one hundred".

2. On page 4, line 7, after the period insert "Official stamps, labels, or other indicia shall expire six months from the date of issuance.".

3. On page 5, line 7, strike beginning with "In" through "a" and insert paragraphing and "A".

4. On page 6, line 2, after "in" insert "the Uniform State Tax Lien Registration and Enforcement Act as limited by"; in line 3 strike "and section 77-3906"; and strike beginning with "redetermination" in line 22

through line 25 and insert "a hearing pursuant to the Administrative Procedure Act.".

5. On page 7, strike lines 1 through 25 and insert:

"(2)(a) When a jeopardy determination or any other final determination has been made by the Tax Commissioner, the property seized for collection of the taxes and any penalty shall not be sold until the time has expired for filing an appeal. If an appeal has been filed, no sale shall be made unless the taxes and any penalty remain unpaid for a period of more than thirty days after final determination of the appeal by the district court.

(b) Notwithstanding subdivision (a) of this subsection, seized property may be sold if the taxpayer consents in writing to the sale or the Tax Commissioner determines that the property is perishable or may become greatly reduced in price or value by keeping or that such property cannot be kept without great expense.

(c) The property seized shall be returned by the Tax Commissioner if the owner gives a surety bond equal to the appraised value of the owner's interest in the property, as determined by the Tax Commissioner, or deposits with the Tax Commissioner security in such form and amount as the Tax Commissioner deems necessary to insure payment of the liability, but not more than twice the liability.

(d) Notwithstanding any other provision to the contrary, if a levy or sale pursuant to this section would irreparably injure rights in property which the court determines to be superior to rights of the state in such property, the district court may grant an injunction to prohibit the enforcement of such levy or to prohibit such sale.

(e) Any action taken by the Tax Commissioner pursuant to this section shall not constitute an election by the state to pursue a remedy to the exclusion of any other remedy.

(f) After the Tax Commissioner has seized the property of any person, that person may, upon giving forty-eight hours notice to the Tax Commissioner and to the court, bring a claim for equitable relief before the district court for the release of the property to the taxpayer upon such terms and conditions as the court

deems equitable.".

6. On page 8, strike lines 1 through 20; and in line 21 strike "(4)" and insert "(3)".

LEGISLATIVE BILL 332. Placed on General File as amended.
Standing Committee amendment to LB 332:
AM0276

1. On page 2, strike beginning with "in" in line 13 through "25-543" in line 16, show the old matter as stricken, and insert "and praecipe for summons in the district court and the filing of a request for transcript with the county clerk. The county clerk shall prepare the transcript as soon as practicable after requested and shall deliver the same to the taxpayer for filing with the clerk of the district court upon receipt from the taxpayer of the appropriate fees for its preparation. No proceedings shall be held on the appeal of the taxpayer until the summons has been served and the transcript has been filed in district court".

LEGISLATIVE BILL 729. Placed on General File as amended.
Standing Committee amendment to LB 729:
AM0321

1. On page 3, line 3, after the period insert "It is the intent of the Legislature that nothing in the Tax Expenditure Reporting Act shall cause the valuation or assessment of any property exempt from taxation on the basis of its use exclusively for religious, educational, or charitable purposes.".

LEGISLATIVE BILL 197. Indefinitely postponed.
LEGISLATIVE BILL 433. Indefinitely postponed.
LEGISLATIVE BILL 481. Indefinitely postponed.
LEGISLATIVE BILL 717. Indefinitely postponed.
LEGISLATIVE BILL 731. Indefinitely postponed.
LEGISLATIVE BILL 804. Indefinitely postponed.

LEGISLATIVE RESOLUTION 15CA. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Urban Affairs

LEGISLATIVE BILL 772. Indefinitely postponed.
LEGISLATIVE BILL 773. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1989, at 10:45 a.m., were the following bills: 43, 80, 82, 106, 113, 166, 171, 172, 194, 200, 296, 321, 322, and 353.

(Signed) Randall S. Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0319

1. On page 3, line 20, strike the comma and insert "and"; and in line 21 strike ", and burial goods".

2. On page 4, line 5, strike "and burial goods"; strike lines 8 through 11; in line 12 strike "(2)" and insert "(1)"; in line 14 strike "(3)" and insert "(2)"; in line 17 strike "(4)" and insert "(3)"; and in line 20 strike "(5)" and insert "(4)".

3. On page 5, line 3, strike "(6)" and insert "(5)"; in line 8 strike "or burial goods"; in line 13 strike "or goods".

4. On page 6, lines 11 and 23, strike "or burial goods"; in line 14 strike "and"; and in line 15 strike "associated burial goods".

5. On page 7, lines 3, 8, 12, 14, 15, and 17, strike "or goods"; and in line 25 strike "or burial goods".

6. On page 8, line 21, strike the first comma and insert "or" and strike ", or burial"; and in line 22 strike "goods".

7. On page 9, line 3 and 6 and 7, strike "or burial goods".

8. On page 10, line 3, strike "or burial goods"; in line 7 after "remains" insert an underscored comma and strike "or goods,"; and in lines 13, 18, and

20 strike "or goods".

9. On page 11, lines 10 and 11 and 17, strike "or burial goods".

10. On page 12, lines 4 and 10, strike "or associated burial goods".

11. In the Standing Committee amendments, AM0212:

a. On page 1, strike beginning with "line" in line 5 through "in" in line 7; in line 7 after "12" insert a comma; and in line 16 strike "goods" and insert "remains";

b. On page 2, line 1, strike "or burial goods"; strike line 3 and insert "'such remains'; in"; strike beginning with "in" in line 5 through "insert" in line 6 and insert "in line 12 after 'remains' insert"; in line 8 strike "goods" and insert "remains"; in line 13 strike "and"; in line 14 strike "goods"; in line 19 strike "and goods"; and in line 24 strike "and goods"; and

c. On page 3, line 2, strike "and goods".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 158A in the Journal. No objections. So ordered.

AM0287

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $10,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 158, Ninety-first Legislature, First Session, 1989.

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 Doug and Liza Holtmeier from Kearney; teachers and administrators from the Council for Exceptional Children; and Sir Jeet from New Deli, India.

ADJOURNMENT

At 12:08 p.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 14, 1989

LEGISLATIVE JOURNAL

TWENTY-EIGHTH DAY - FEBRUARY 14, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Rob Welch, Havelock Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, R. Johnson, Schmit, and Withem who were excused; and Messrs. Abboud, Hall, Lamb, Moore, Morrissey, Rogers, Wehrbein, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 114, 221, and 254.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 221

The following changes, required to be reported for publication in the Journal, have been made:
ER6111
1. In the Weihing amendment, AM0328, on page 2, line 16, "deposits" has been struck and "deposit" inserted.
2. On page 1, line 5, "cities and villages" has been struck and "governmental subdivisions" inserted.
3. On page 7, line 5, the stricken comma has been reinstated.
4. On page 12, line 7, the last comma has been struck and shown as stricken; and in line 8 the stricken comma has been reinstated.
5. On page 14, lines 5 and 6, an underscored comma has been inserted after "property".

(Signed) Mary E. Sommermeyer
E & R Attorney

SPECIAL COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 632. Placed on General File as amended.
Special Committee amendments to LB 632:
AM0268
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 3, line 15, after "employee" insert "or providing documentation to the retirement board as to why a contract was not signed because of military intervention"; and in line 17 after "emergency" insert "or was inducted into the armed forces of the United States during time of peace".
3. On page 4, line 2, strike "all", show as stricken, and insert "a maximum of four years of"; strike beginning with "declared" in line 4 through "forces" in line 5, show as stricken, and insert "time"; and after line 5 insert
"Retirement benefits for persons who retire prior to the effective date of this act shall not be affected by changes made to this section which became effective on such date.".

LEGISLATIVE BILL 148. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 724	Thursday, February 23, 1989 (Cancelled)	1:30 p.m.
LB 724	Wednesday, February 22, 1989 (Reset)	1:30 p.m.

(Signed) Don Wesely, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions LR 27, LR 28, and Governor appointments.

LR	Committee
27	Transportation
28	Transportation

Judiciary
Donald D. McCall - Board of Parole

Natural Resources
Marc W. Anthony - Game and Parks Commission
Mark A. Hunzeker - Power Review Board

Education
Demarus Carlson - Board of Educational Lands and Funds
J. L. Spray - Coordinating Committee for Postsecondary Education

General Affairs
J. Robert Duncan - Nebraska Arts Council
Ann L. Spence - Nebraska Arts Council

Health and Human Services
Edward L. Schlachter - State Board of Health
David L. Timperley - State Board of Health
Linda Perlman - Advisory Committee to the Department of Public Institutions, Social Services, and Corrections

(Signed) Bernice Labedz, Chairperson
Legislative Council

Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 89007

DATE: February 10, 1989

SUBJECT: Legislative Bill 633; Proposed Amendments to Neb.Rev.Stat. §17-938 (Reissue 1987) to Authorize Forfeiture or Reclamation of Burial Lots for "Non- use"

REQUESTED BY: Senator Dennis Baack
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

QUESTION: "Is LB 633 needed in order for such cemeteries to obtain title to unused gravesites or are the current provisions in Section 17-938 sufficient?"

CONCLUSION: Amendment of Neb.Rev.Stat. §17-938 (Reissue 1987) would be necessary to authorize forfeiture or reclamation of burial lots due to "non-use."

This is in response to your request for an opinion of this office concerning reclamation of burial lots. Your specific inquiry is whether Neb.Rev.Stat. §17-938 (Reissue 1987) requires amendment as provided in LB 633 to authorize reclamation of unused burial lots or gravesites.

You have indicated that the proposed bill (LB 633) addresses those cemeteries which are financed by a tax levy, levy no fees or assessments, and charge only for sale of lots and openings.

Neb.Rev.Stat. §17-938 (Reissue 1987) currently provides for forfeiture or reclamation of lots if any charges, liens, or assessments have not been paid after a period of three years. These provisions do not permit or authorize forfeiture of burial lots for "non-use" only. Accordingly, it would be necessary to amend the statute to authorize forfeiture or reclamation for these purposes.

It is appropriate to point out that changing the statute to authorize reclamation of burial lots for "non-use" would significantly change the nature of ownership of burial lots. The amendments to

Neb.Rev.Stat. §19-738 (Reissue 1987) as set forth in LB 633, in essence, means that cemetery lots would be sold for a "term of ten years" since lots would be subject to reclamation for "non-use" after a period of ten years.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-01-14

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

RESOLUTION

LEGISLATIVE RESOLUTION 30. Introduced by Barrett, 39th District.

WHEREAS, vocational education has helped many Nebraskans repond 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 third 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby proclaims the week of February 12th through the 18th, 1989, 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.

REPORT

Received biennial report for the Nebraska Public Transportation Assistance Program for Fiscal Years 1987-1988 in accordance with Section 19-3905.

GENERAL FILE

LEGISLATIVE BILL 159. Title read. Considered.

Mr. Conway asked unanimous consent to bracket LB 159 to March 2nd, 1989.

Mr. Barrett objected.

Mr. Conway moved to bracket LB 159 to March 2nd, 1989.

Mr. Conway moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Conway requested a roll call vote on his motion to bracket.

Voting in the affirmative, 16:

Beck	Johnson, L.	Langford	Peterson	Smith
Chizek	Kristensen	Lynch	Robak	Weihing
Conway	Labedz	Nelson	Schimek	Wesely
Goodrich				

Voting in the negative, 19:

Ashford	Beyer	Hannibal	Lamb	Rogers
Baack	Chambers	Hartnett	Landis	Schellpeper
Bernard-Stevens	Coordsen	Hefner	Lindsay	Warner
	Crosby	Korshoj	McFarland	Wehrbein

Present and not voting, 4:

Barrett	Byars	Dierks	Elmer

Excused and not voting, 10:

Abboud	Hall	Moore	Pirsch	Scofield
Haberman	Johnson, R.	Morrissey	Schmit	Withem

The Conway motion to bracket lost with 16 ayes, 19 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Conway moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Conway requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 15:

Ashford	Beyer	Conway	Lindsay	Schimek
Baack	Chambers	Hannibal	McFarland	Smith
Bernard-Stevens	Chizek	Landis	Nelson	Wesely

Voting in the negative, 19:

Beck	Goodrich	Korshoj	Peterson	Warner
Byars	Hall	Labedz	Robak	Wehrbein
Coordsen	Hefner	Lamb	Rogers	Weihing
Crosby	Johnson, L.	Langford	Schellpeper	

Present and not voting, 7:

Barrett	Elmer	Kristensen	Lynch	Moore
Dierks	Hartnett			

Excused and not voting, 8:

Abboud	Johnson, R.	Pirsch	Scofield	Withem
Haberman	Morrissey	Schmit		

Failed to advance to E & R for Review with 15 ayes, 19 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendments to LB 101:
AM0273

1. Insert the following new section:

"Sec. 4. (1) The Game and Parks Commission may close any river or stream bed or a designated portion thereof to the operation of all-terrain vehicles when, in the opinion of the commission, operation of all-terrain vehicles in the river or stream bed poses a distinct threat to birds or other wildlife.

(2) When the commission desires to close any river or stream bed or a designated portion thereof to the operation of all-terrain vehicles, it shall cause notice of such closing to be posted in at least two places on such river or stream. The notice shall designate as nearly as practicable the river or stream bed or portion to be closed and shall state that on and after a date stated it shall be unlawful to operate an all-terrain vehicle thereon until a date stated or until further notice.".

2. On page 3, after line 17 insert the following new subsection:

"(8) The operation of all-terrain vehicles shall be allowed on any public street, road, or highway when such operation occurs between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes.".

3. On page 5, line 9; and page 6, lines 12, 18, and 25, strike "3" and insert "4".

4. Renumber the remaining sections accordingly.

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointments Friday, February 24, 1989 1:30 p.m.
Marc W. Anthony - Game and Parks Commission
Mark Hunzeker - Power Review Board

LB 616	Friday, February 24, 1989	1:30 p.m.
LB 620	Friday, February 24, 1989	1:30 p.m.
LB 625	Friday, February 24, 1989	1:30 p.m.
LB 364	Wednesday, March 1, 1989	1:30 p.m.
LB 383	Wednesday, March 1, 1989	1:30 p.m.
LB 384	Wednesday, March 1, 1989	1:30 p.m.
LB 385	Wednesday, March 1, 1989	1:30 p.m.
LB 710	Wednesday, March 1, 1989	1:30 p.m.
LB 715	Wednesday, March 1, 1989	1:30 p.m.
LB 81	Thursday, March 2, 1989	1:30 p.m.
LB 270	Thursday, March 2, 1989	1:30 p.m.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 502. 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 281. Title read. Considered.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 281.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 12:

Bernard-Stevens	Conway	Johnson, L.	Lindsay	Scofield
Chambers	Hall	Kristensen	Schimek	Smith
	Hartnett	Labedz		

Voting in the negative, 20:

Abboud	Coordsen	Landis	Peterson	Warner
Beck	Crosby	Langford	Robak	Wehrbein
Beyer	Hefner	Moore	Rogers	Weihing
Byars	Lamb	Nelson	Schellpeper	Wesely

Present and not voting, 9:

Ashford	Chizek	Elmer	Hannibal	McFarland
Barrett	Dierks	Goodrich	Korshoj	

Excused and not voting, 8:

Baack	Johnson, R.	Morrissey	Schmit	Withem
Haberman	Lynch	Pirsch		

The Chambers motion to indefinitely postpone lost with 12 ayes, 20 nays, 9 present and not voting, and 8 excused and not voting.

Messrs. Landis and Korshoj 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.

Advanced to E & R for Review with 27 ayes, 7 nays, 6 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 281 in the Journal. No objections. So ordered.

FA35
Provisions of this bill shall apply prospectively.

Mr. Chizek asked unanimous consent to print the following amendment to LB 265 in the Journal. No objections. So ordered.

AM0258
1. On page 2, line 2, strike "of paternity or" and insert "and enforcement of".
2. On page 3, line 8, strike "of paternity or child or spousal support" and insert ", enforcement, and

collection of child or spousal support and paternity matters".

Mr. McFarland asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

FA36
(1) On Page 3, Line 17, after "is", strike "equal to or".
(2) On Page 5, Line 22, strike "(4) The jury shall be instructed on the effects of the allocation of fault."

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 48 in the Journal. No objections. So ordered.

AM0347

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors. The Legislature further finds that additional restrictions are necessary to prohibit the consumption of smokeless tobacco products by minors. The Legislature specifically finds that at this time there is no prohibition against minors purchasing and possessing tobacco products and that not only should there be criminal sanctions against adults providing tobacco to minors but, as in alcohol legislation, there should be criminal sanctions against minors purchasing or possessing tobacco products. It is the further intent of the Legislature to regulate the subject matter of sections 1 to 5 of this act and sections 28-1418 and 28-1419.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Distribute shall mean to give smokeless tobacco products to the general public at no cost or to give coupons or rebate offers with the products;

(2) Minor shall mean a person under eighteen years of age; and

(3) Smokeless tobacco product shall mean (a) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (b) a small amount

of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

Sec. 3. (1) Manufacturers, wholesalers, or retailers or their representatives shall not distribute samples of smokeless tobacco products as part of an advertising plan or program which require proof of purchase of a smokeless tobacco product unless such offer carries the following designation: This offer is not available to minors. Any mail-in coupon for samples of smokeless tobacco products shall include a statement requiring the purchaser to certify that the purchaser is eighteen years of age or older.

(2) Manufacturers, wholesalers, or retailers or their representatives may honor mail-in requests received in compliance with subsection (1) of this section for coupons redeemable for a smokeless tobacco product at retail outlets only. Any such coupon shall be redeemable only if the bearer presents identification legally recognized by the State of Nebraska confirming the bearer is eighteen years of age or older.

(3) Manufacturers, wholesalers, or retailers or their representatives shall not distribute as part of any advertising plan or program unsolicited samples of smokeless tobacco products or redeemable coupons for such products through a mail campaign to any person.

Sec. 4. (1) The Attorney General shall apply for an injunction in the district court of the county in which any violation of section 3 of this act occurs to enjoin a person from engaging in any practice which violates such section. Notice shall be given by certified mail to the person at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 3 of this act. A civil penalty shall be imposed on such person in an amount of five hundred dollars for the first offense and in an amount of not less than six hundred dollars nor more than three thousand dollars for a second or subsequent offense. Each distribution of a single package in violation of such section to an individual shall be considered a separate violation.

Sec. 5. No county, city, or village shall adopt any ordinance or regulation less restrictive than

sections 1 to 4 of this act or sections 28-1418 and 28-1419.

Sec. 6. That section 28-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1418. ~~Whoever, being a minor~~ Any person under ~~the age of~~ eighteen years~~, shall smoke~~ of age who purchases, possesses, or smokes cigarettes or cigars~~, or use~~ or who purchases, possesses, smokes, or uses tobacco in any form whatever~~,~~ in this state~~,~~ shall be guilty of a Class V misdemeanor. ~~Any minor so charged with the violation of this section may be free from prosecution when he shall have furnished evidence for the conviction of the person or persons selling or giving him the cigarettes, cigars or tobacco.~~

Sec. 7. That section 28-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1419. ~~Whoever shall sell, give or furnish,~~ Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way~~,~~ any tobacco in any form whatever~~,~~ or any cigarettes~~,~~ or cigarette paper~~,~~ to any minor under eighteen years of age~~,~~ shall be guilty of a Class III misdemeanor for each offense.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 88. Indefinitely postponed.
LEGISLATIVE BILL 292. Indefinitely postponed.
LEGISLATIVE BILL 375. Indefinitely postponed.
LEGISLATIVE BILL 535. Indefinitely postponed.
LEGISLATIVE BILL 570. Indefinitely postponed.
LEGISLATIVE BILL 629. Indefinitely postponed.
LEGISLATIVE BILL 801. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 224A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 224, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 350A. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 408A. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 408, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 361A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 361, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 147A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 147, Ninety-first Legislature, First Session, 1989.

GENERAL FILE

LEGISLATIVE BILL 416. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Messrs. Chambers and Wesely offered the following amendment:
FA37
Page 2, lines 1 and 2, strike and show as stricken: "FIFTEEN YEARS OF AGE OR OLDER"

SPEAKER BARRETT PRESIDING

The Chambers-Wesely amendment was adopted with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Robak asked unanimous consent to have her name added as co-introducer to LB 714. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 443. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0365
(Amendments to Standing Committee amendments, AM0181)
1. On page 3, line 19, after "city" insert "at least once".

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 137	Wednesday, February 22, 1989	12:00 noon
LB 252	Wednesday, February 22, 1989	12:00 noon

(Signed) Rex Haberman, Chairperson

VISITORS

Visitors to the Chamber were Ron Oswald and Dave Hirschfeld from Waco.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 15, 1989

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 15, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Daniel Sieker, Blessed Sacrament Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Withem who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Hall, Hannibal, R. Johnson, Kristensen, Landis, Lindsay, McFarland, Morrissey, Schmit, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 502. Placed on Select File.
LEGISLATIVE BILL 281. Placed on Select File.

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendment to LB 416:
AM5057

1. On page 2, line 17; page 3, line 21; and page 4, line 11, after "such" insert "light or".

LEGISLATIVE BILL 443. Placed on Select File as amended.
E & R amendment to LB 443:
AM5058
1. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 3.

Correctly Engrossed

The following bills were correctly engrossed: 74, 116, 175A, 177A, 208, 261A, 263, 267, 273, 284A, 338, 378, 391, 398, 458, 459, and 499.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 208

The following changes, required to be reported for publication in the Journal, have been made:
ER6113
1. In the Chambers/Wesely amendment, FA34, on page 1, line 3, "or" has been struck.
2. On page 3, line 1, "the" has been inserted after "or".

Enrollment and Review Change to LB 273

The following changes, required to be reported for publication in the Journal, have been made:
ER6114
1. In the E & R amendment, AM5034, on page 1, line 2, "71-5102," has been struck; in line 3 the first comma has been struck; and in line 6 "to harmonize provisions;" has been struck.

Enrollment and Review Change to LB 391

The following changes, required to be reported for publication in the Journal, have been made:
ER6116
1. On page 5, line 14, "(8)" has been inserted before "(g)".

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

February 14, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 57, 94, 97, 126, 133, 229, 230, 233, 251, 255, 295, 58, 70, 115, 142, 156, and 256 were received in my office on February 9, 1989.

These bills were signed by me on February 14, 1989 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 637. Placed on General File.

LEGISLATIVE BILL 124. Indefinitely postponed.
LEGISLATIVE BILL 149. Indefinitely postponed.
LEGISLATIVE BILL 217. Indefinitely postponed.
LEGISLATIVE BILL 241. Indefinitely postponed.
LEGISLATIVE BILL 306. Indefinitely postponed.
LEGISLATIVE BILL 341. Indefinitely postponed.
LEGISLATIVE BILL 382. Indefinitely postponed.
LEGISLATIVE BILL 442. Indefinitely postponed.
LEGISLATIVE BILL 460. Indefinitely postponed.
LEGISLATIVE BILL 631. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

MOTION - Withdraw LB 368

Mr. Lamb moved to withdraw LB 368.

Laid over.

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of January 1989, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Received Biennium Report of the Nebraska Indian Commission, Newsletter and Tribal Brochures from the Nebraska Indian Commission.

MR. L. JOHNSON PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 30. Read. Considered.

LR 30 was adopted with 27 ayes, 0 nays, and 22 not voting.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 187. Title read. Considered.

Standing Committee amendments, AM0107, found in the Journal on page 497 for the Seventeenth Day, were adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for Review with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 187A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 39. Placed on General File as amended.
Standing Committee amendments to LB 39:
AM0390

1. On page 9, strike beginning with "Split" in line 13 through "15" in line 20.

2. On page 10, line 1, strike "(16)" and insert "(15)"; in line 2 strike "and"; in line 3 strike "(17)" and insert "(16)"; and in line 13 strike "(18)" and insert "(17)".

3. On page 36, line 19, strike the period, show as stricken, and insert underscored semicolon.

4. On page 37, strike beginning with "Determine" in line 8 through "(10)" in line 10; in line 16 strike "(11)" and insert "(10)"; in line 20 strike "(12)" and insert "(11)"; and in line 24 strike "(13)" and insert "(12)".

5. On page 38, line 2, strike "(14)" and insert "(13)"; in line 6 strike "(15)" and insert "(14)"; in line 8 strike the underscored period and insert an underscored semicolon; in line 9 strike "(16)" and insert "(15)"; and in line 13 strike "(17)" and insert "(16)".

(Signed) W. Owen Elmer, Vice Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 238 and 344.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 238
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6118

1. In the Standing Committee amendments, AM0149, on page 1, lines 11 and 12, ", if ordered by the court," has been struck and shown as stricken.

Enrollment and Review Change to LB 344

The following changes, required to be reported for publication in the Journal, have been made:
ER6117

1. In the Wesely amendment, AM0157, on page 10, line 4, "is" has been inserted after "who".

2. On page 21, line 16, "department" has been struck, shown as stricken, and "Department of Health" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 31. Introduced by Schimek, 27th District; McFarland, 28th District; Smith, 33rd District; Rogers, 41st District; Lindsay, 9th District; Chizek, 31st District; Crosby, 29th District; Schellpeper, 18th District; Warner, 25th District; Landis, 46th District; Wesely, 26th District.

WHEREAS, the federal government's Morrill or Land Grant College Act made it possible for states to establish land grant colleges, and the University of Nebraska was founded in Lincoln, Nebraska, by the Nebraska Legislature on February 15, 1869; and

WHEREAS, the university has provided quality education to hundreds of thousands of individuals and has two hundred thousand alumni; and

WHEREAS, the university enjoys a national and international reputation as a premier research institution of higher education and serves a statewide mission with locations in Omaha, Lincoln, Mead, Scottsbluff, North Platte, and Clay Center; and

WHEREAS, the university employs outstanding faculty and staff who help perpetuate this institution's educational excellence and has produced two Nobel Prize winners, George Beadle in medicine and Donald Cram in chemistry; and

WHEREAS, the university has outstanding facilities, including the originating station for NETV and the largest library in the state with collections from Mari Sandoz, Charles M. Russell, and Benjamin Botkin.

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

1. That the Legislature extends its congratulations to the University of Nebraska on its one hundred twentieth anniversary.

2. That a copy of this resolution be presented to President Ronald Roskens and the Board of Regents of the University of Nebraska.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89006

DATE: February 6, 1989

SUBJECT: Limitation on Distribution of Smokeless Tobacco Products--LB48 (1989)

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

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have requested an opinion as to whether the provisions of LB48 of the 1989 Session are in violation of either the Commerce Clause or the First Amendment of the United States Constitution. LB48 concerns the limitation on the distribution of smokeless tobacco.

We have reviewed LB48 with the amendments submitted by your office and determined that it is not in conflict with either the Commerce Clause or the First Amendment of the United States Constitution.

We have also reviewed the amendments proposed by the Smokeless Tobacco Council as they relate to the Commerce Clause and First Amendment to the United States Constitution. We have also determined that these amendments are not in conflict with the authorities mentioned.

The United States Supreme Court decision in Central Hudson Gas and Electric Corporation v. Public Service Commission of New York, 447 U.S. 557 (1980) has been alluded to by others in support of the argument that the proposed legislation is unconstitutional. However, in Central Hudson the State had placed a total ban on all

advertising. At the time the ban was imposed, the State had an overriding state interest precipitated by a fuel shortage. After the fuel shortage had eased, the State attempted to continue the total ban on advertising based on their interest in conserving fuel and in securing fair and effective utility rates. The United States Supreme Court struck down the prohibition because the link between the advertising prohibition and the State's interest was too tenuous and the ban was more extensive than necessary to further the State's interest.

LB 48 has a stated purpose of enforcing the prohibition of smokeless tobacco use by minors. The Legislative Bill does not ban advertising of smokeless tobacco products but merely limits the distribution of free samples or the offer of coupons or rebate offers for smokeless tobacco products. The Bill has a legitimate purpose of protecting minors from the use or abuse of smokeless tobacco and makes use of a means less than a complete ban on advertisement or sale of the product.

Similar legislation is in effect in other states in relation to smokeless tobacco. Also, several States have had legislation in place for several years in the area of alcoholic beverages that is similar to the restrictions in LB 48.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-114-3

Opinion No. 89008

DATE: February 13, 1989

SUBJECT: Whether the Central Low-Level Radioactive Waste Compact Commission is a State entity - LB 763 (1989 Session)

REQUESTED BY: Senator Spencer W. Morrissey
District No. 1

WRITTEN BY: Robert M. Spire
Attorney General

Linda L. Willard
Assistant Attorney General

You have inquired whether the Central Low-Level Radioactive Waste Compact Commission (Commission) is a public body subject to the Nebraska Public Meetings Law, or an agency subject to the Administrative Procedure Act.

The Nebraska Public Meetings Law under Neb.Rev.Stat. §84-1408 et seq. (Reissue 1987) is applicable to all public bodies of the State. Public body is defined as;

> (a) governing bodies of all political subdivisions of the State of Nebraska,
>
> (b) governing bodies of all agencies, now or hereafter created by constitution, statutes, or otherwise pursuant to law, of the executive department of the State of Nebraska,
>
> (c) all independent boards, commissions, bureaus, committees, counsels, subunits, Certificate of Need appeal panels, or any other bodies now or hereafter created by constitution, statute, or otherwise pursuant to law,
>
> (d) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence and,
>
> (e) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision. . . .

The Administrative Procedures Act §84-901 et seq. (Reissue 1987) defines agency generally to mean "each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations, . . .

The Commission exists as the result of Nebraska's entry into a compact or agreement with four other states. As such it is not a political subdivision of this State. Nor can the Commission be defined as a governing body of a state agency or a study or advisory committee of the Executive Department of the State or any other body. Nor is the Commission a unit of state government as set out in the Administrative Procedures Act. While the Commission exists as an independent commission it was formed as a result of Nebraska's entry into a multi-state compact. Therefore, it is not created by constitution or statute nor was it created by an act of Nebraska law.

Therefore it is our conclusion that the Central Low-Level Radioactive Waste Commission is not included within either the Public Meetings Law or Administrative Procedures Act of the Nebraska Statutes.

You have not asked but we would point out that, since this is an inter-state compact entered into by several states and ratified by

Congress, we have very serious concerns whether action by the Nebraska Legislature could subject the Commission to the Administrative Procedures Act, the Public Meetings Law or other state legislation.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

28-01-4

GENERAL FILE

LEGISLATIVE BILL 556. Title read. Considered.

Standing Committee amendment, AM0199, found in the Journal on page 562 for the Twentieth Day, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Standing Committee amendments, AM0181, found in the Journal on page 562 for the Twentieth Day, were considered.

Mrs. Smith withdrew her pending amendment, AM0133, found in the Journal on page 500.

Mrs. Smith renewed her pending amendment, AM0240, found in the Journal on page 676, to the Standing Committee amendments.

The Smith amendment was adopted with 13 ayes, 0 nays, 32 present and not voting, and 4 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM0365, found in the Journal on page 744, to the Standing Committee amendments.

The Hartnett amendment was adopted with 14 ayes, 0 nays, 31 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 516. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0182, found in the Journal on page 564 for the Twentieth Day, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 214. Title read. Considered.

Standing Committee amendments, AM0190, found in the Journal on page 567 for the Twentieth Day, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 214A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 320. Title read. Considered.

Standing Committee amendment, AM0192, found in the Journal on page 568 for the Twentieth Day, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Standing Committee amendments, AM0171, found in the Journal on page 568 for the Twentieth Day, were considered.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 28 ayes, 0 nays, 13 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 334. Title read. Considered.

Standing Committee amendment, AM0193, found in the Journal on page 571 for the Twentieth Day, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 354. Title read. Considered.

Messrs. L. Johnson and Korshoj asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Bernard-Stevens	Byars	Chizek	Crosby
Baack		Chambers	Conway	Goodrich

Hall	Labedz	Lynch	Robak	Scofield
Hartnett	Landis	McFarland	Schellpeper	Smith
Johnson, R.	Lindsay	Morrissey	Schimek	Wesely
Kristensen				

Voting in the negative, 14:

Abboud	Beyer	Hannibal	Nelson	Wehrbein
Barrett	Coordsen	Hefner	Pirsch	Weihing
Beck	Elmer	Langford	Rogers	

Present and not voting, 2:

Moore Warner

Excused and not voting, 8:

Dierks	Johnson, L.	Lamb	Schmit	Withem
Haberman	Korshoj	Peterson		

Advanced to E & R for Review with 25 ayes, 14 nays, 2 present and not voting, and 8 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 354A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM0367

1. Insert the following new section:

"Sec. 3. The appropriation to the Department of Social Services, for Program 347, shall decrease by $120,000 General Funds for the period July 1, 1990, to June 30, 1991.".

2. On page 2, line 18, strike "$770,693" and insert "$890,693".

The Wesely amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 11 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 92 and 92A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 92

The following changes, required to be reported for publication in the Journal, have been made:
ER6115

1. In the E & R Amendments, AM5044:

a. Amendments 2(a) and (c), 24, and 30 have been struck and the remaining amendments renumbered accordingly; and

b. On page 4, line 3, "page 52, line 12;" has been struck; and the matter beginning with the second semicolon in line 3 through "7" in line 4 has been struck.

2. In the Standing Committee amendments, AM0054, on page 14, line 7, "or" has been inserted after the comma.

3. On page 172, the matter beginning with "and" in line 1 through line 4 has been struck, shown as stricken, and an underscored period inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 768. Placed on General File as amended.
Standing Committee amendment to LB 768:
AM0371

1. On page 2, lines 1 and 4, after "city" insert "or county"; in line 13, after "fee" insert "for such city and county"; and in line 14 strike "amounts collected monthly to the city" and insert "monthly the amounts collected for the city to such city and the amounts collected for the county to such county".

LEGISLATIVE BILL 781. Placed on General File as amended.
Standing Committee amendments to LB 781:
AM0372

1. Insert the following new sections:

"Sec. 9. That section 53-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-150. Any licensee may renew his or her license at the expiration thereof in the manner set forth in section 53-135. He or she ~~; PROVIDED, he~~ is then qualified to receive a license and the premises for which such renewal license is sought are the same premises licensed under the license to be renewed and are suitable for such purpose. The ~~; AND PROVIDED FURTHER, that the~~ renewal privilege ~~herein~~ provided for in this section shall not be construed as a vested right which shall in any case prevent the commission or the local governing body from decreasing the number of licenses ~~to be~~ issued within its jurisdiction or from denying renewal based upon the standards provided in subsection (3) of section 53-132 or subdivision (7) of section 53-134.

Sec. 10. Local governing bodies shall have no authority to grant licenses in violation of the Nebraska Liquor Control Act.".

2. On page 3, line 5, strike "and 11" and insert ", 12, and 13".

3. On page 7, line 21, after "(a)" insert "or subsection (3)".

4. On page 15, line 11, strike "recommendation", show as stricken, and insert "decision".

5. On page 18, line 12, strike the underscored matter; in line 13 strike "53-1,116", show as stricken, and insert "53-1,114"; and in line 19 reinstate the stricken matter and strike the underscored matter.

6. On page 24, line 8, strike "deciding" and insert "approving or denying"; in line 9 strike "whether" and strike ", the denial," and show as stricken; and strike beginning with the first "or" in line 10 through the period in line 11, show as stricken, and insert an underscored period.

7. On page 33, line 12, strike "it" and insert "the commission".

8. On page 37, line 19 and 24, strike "10" and insert "12".

9. On page 38, line 10, before "and" insert "53-150,".

10. Renumber the remaining sections accordingly.

(Signed) Jacklyn Smith, Chairperson

Urban Affairs

LEGISLATIVE BILL 95. Placed on General File as amended.
Standing Committee amendment to LB 95:
AM0370

1. Strike the original sections and insert the following new sections:

"Section 1. That section 19-4601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-4601. Sections 19-4601 to 19-4623 and section 2 of this act shall be known and may be cited as the Municipal Natural Gas Regulation Act.

Sec. 2. (1) A city of the primary class shall regulate the reasonableness of a contract governing the rates, service, and facilities involved in furnishing or transporting natural gas through a pipeline located wholly in the State of Nebraska if (a) the pipeline has a single point of delivery connecting it exclusively to the distribution system serving the city, (b) the utility serving the city is a party to the contract, and (c) regulation is permitted under the provisions of the federal Natural Gas Act, 15 U.S.C. 717(c).

(2) Prior to the start of construction of a natural gas pipeline described in subsection (1) of this section, the utility shall file the contract with the city for its approval.

(3) The approved costs and benefits of a natural gas pipeline described in subsection (1) of this section shall be included in the calculations used in arriving at the natural gas supply-cost-adjustment rate schedules provided in section 19-4609.

(4) A city of the primary class shall have the power pursuant to Municipal Natural Gas Regulation Act to perform any and all acts and to prescribe, issue, make, adopt, promulgate, and revise from time to time, rules and regulations through its governing body as it

may find necessary or appropriate to carry out this section. Among other things, the governing body of a city of the primary class shall have the power to: (a) Require reports and statements and prescribe the form or forms of such reports or statements and the information they shall contain; (b) establish and collect an application fee of not less than one thousand dollars nor more two thousand five hundred dollars payable to the city for each contract over which the city has jurisdiction pursuant to this section; (c) establish and collect a reasonable fee to defray the actual costs of administering this section; and (d) establish procedures for application, notice, and hearings in order to effectuate the provisions of this section.

Sec. 3. That section 19-4603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-4603. (1) A utility shall be subject to ~~(1)~~ (a) all rights, powers, and authority now or hereafter possessed by a municipality to regulate rates charged by the utility for natural gas service to customers within the municipality, ~~(2)~~ (b) all provisions of the Municipal Natural Gas Regulation Act, and ~~(3)~~ (c) when not inconsistent with subdivision ~~(1)~~ (a) or ~~(2)~~ (b) of this section, the provisions of any validly executed franchise agreement.

(2) The jurisdiction of the Public Service Commission shall not extend to any of the subjects regulated by the act.

Sec. 4. That section 75-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-109. Except as provided in sections 19-4603, 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. 5. That original sections 19-4601, 19-4603, and 75-109, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE RESOLUTION 12CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 17CA. Indefinitely postponed.

LEGISLATIVE BILL 150. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 287	Tuesday, February 28, 1989	12:00 noon
LB 40	Thursday, March 2, 1989	12:00 noon
LB 41	Thursday, March 2, 1989	12:00 noon

(Signed) Rex Haberman, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 140A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 44A. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. McFarland asked unanimous consent to have his name added as co-introducer to LB 183. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 737. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ruby Beckman from Columbus; Harry Milligan from Hastings; Mary Lou Strauch from Scottsbluff; Jerry Whelan from Hastings; Nyoka Honda from Osaki, Japan and Al and Linda Mumm from Waterloo; 9 students and sponsors from Beatrice; and Chamber of Commerce members from Auburn.

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. Crosby, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 16, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett 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, Haberman, and Withem who were excused; and Messrs. Abboud, Chambers, Coordsen, R. Johnson, Korshoj, Lamb, Landis, Morrissey, Rogers, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendments to LB 187:
AM5063
1. In the Standing Committee amendments,
AM0107, on page 2, line 12, after "as" insert "are".
2. On page 3, line 5, strike "and", show as

stricken, and insert an underscored comma; and in line 7 reinstate the stricken comma.

3. On page 5, line 20, strike "so"; and in line 21 after "information" insert "of any inaccuracies or deficiencies".

4. On page 11, line 19, after "applicant" insert "for".

5. On page 12, line 4, strike "may" and insert "shall"; and in line 10 after the comma insert "psychiatric,".

LEGISLATIVE BILL 187A. Placed on Select File.
LEGISLATIVE BILL 556. Placed on Select File.

LEGISLATIVE BILL 421. Placed on Select File as amended.
E & R amendment to LB 421:
AM5059

1. On page 1, strike beginning with "to" in line 3 through the semicolon in line 4; and strike beginning with the second "and" in line 6 through "1943" in line 8.

LEGISLATIVE BILL 516. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File as amended.
E & R amendment to LB 214:
AM5060

1. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 11 and insert "to adopt the Property and Casualty Insurance Data Reporting Act; to eliminate provisions relating to product liability insurance; to provide an operative date; to provide severability;".

LEGISLATIVE BILL 214A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 89009

DATE: February 14, 1989

SUBJECT: The constitutionality of an act of the Legislature which grants a private association (1) the power to waive the commands of a statute and (2) the authority to formulate rules and regulations without designated limitations to carry out an expressed legislative purpose.

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter to this office under date of February 7, 1989, you inquire if the grant of authority to the Nebraska School Activities Association in section 10 of LB 183 of the Ninety-first Legislature, First Session (1989), as amended, is a constitutionally prohibited delegation of legislative authority? The same is hereinafter discussed.

The title to LB 183 recites, inter alia, that it is an act "to provide students the option of attending a school in a district other than the one in which he or she resides." The Standing Committee Amendments to LB 183 of February 1, 1989, would, inter alia, strike original section 11 and insert the following:

> "Sec. 10. A student in the ninth, tenth, eleventh, or twelfth grade who transfers to an option district shall be ineligible to compete in athletic competition for ninety school days after his or her attendance in the option district begins, except that the Nebraska School Activities Association may waive the ninety-day waiting period upon appeal by the option student in accordance with the constitution and by-laws of the association. No such ineligibility shall occur when the option student returns to his or her resident school district if such student submits a cancellation form."

We have no quarrel with the Nebraska School Activities Association or the service it provides elementary and secondary schools in the State of Nebraska. It must be remembered, however, that the Nebraska School Activities Association is a private association. It is not a governmental or political subdivision of the State of Nebraska nor an agency thereof. It must also be remembered that the powers of the government of this State are divided into three distinct departments, the legislative, executive and the judicial. Neb. Const., Art. II, sec. 1. Consequently, "{t}he legislature may not delegate to private individuals either legislative

or judicial functions." Elliott v. Wille, 112 Neb. 86, 89, 200 N.W. 347 (1924).

If enacted into operative law, section 10 of LB 183, as amended, would grant to the Nebraska School Activities Association certain functions whereby it would be empowered to waive a statutory imposed ninety-day waiting period, in accordance with the constitution and by-laws of that association, so that certain option students may compete in athletic competition. That, in our opinion, is a constitutionally prohibited delegation of judicial and legislative power. Your inquiry is therefore answered in the affirmative.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

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

20-507-8

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 332 in the Journal. No objections. So ordered.

AM0419
(Amendments to Standing Committee amendments, AM0276)

1. Insert the following new amendments:
"1. 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.'.
3. On page 3, line 23, after 'or' insert 'the validity of'.
4. On page 4, line 13, after 'or' insert 'the defect in'; and in lines 17 and 18 strike the new matter and insert 'or as necessary to correct a defect in any other manual mandated by the Tax Commissioner'.".
2. Renumber the remaining amendment accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 187 in the Journal. No objections. So ordered.

AM0032

1. Insert the following new section:

"Sec. 13. The Department of Social Services shall, prior to August 1 of each year, certify to each county board the amount expended by the department pursuant to sections 68-104 and 68-126 and sections 6 to 12 of this act for medical, surgical, and hospital services attributable to residents of such county. The county board shall reduce the budget of the county by any amount so certified to it when adopting its annual budget pursuant to the Nebraska Budget Act."

2. On page 13, line 25, strike ", 13," and insert "to 14", and strike "15" and insert "16".

3. Renumber the remaining sections accordingly.

MOTION - Place LB 433 on General File

Mr. Wesely moved to place LB 433 on General File notwithstanding committee action, pursuant to Rule 3, section 17.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 30.

UNANIMOUS CONSENT - Member Excused

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 56.

A BILL FOR AN ACT relating to game and parks; to amend section 37-211, Reissue Revised Statutes of Nebraska, 1943; to authorize additional methods of record keeping by buyers of raw furs; and to repeal the original section.

Whereupon the 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	Conway	Hefner	McFarland	Schmit
Baack	Crosby	Johnson, L.	Nelson	Scofield
Barrett	Dierks	Kristensen	Peterson	Smith
Bernard-Stevens	Elmer	Lamb	Pirsch	Warner
	Goodrich	Langford	Robak	Wehrbein
Byars	Hall	Lindsay	Schellpeper	Weihing
Chambers	Hannibal	Lynch	Schimek	Wesely
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Beyer

Excused and not voting, 12:

Ashford	Haberman	Labedz	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
Coordsen	Korshoj			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127. With Emergency.

A BILL FOR AN ACT relating to game and parks; to amend section 37-213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to hunting as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Baack	Barrett

Bernard-Stevens	Elmer	Kristensen	Nelson	Scofield
Byars	Goodrich	Labedz	Peterson	Smith
Chizek	Hall	Lamb	Pirsch	Warner
Conway	Hannibal	Langford	Robak	Wehrbein
Crosby	Hartnett	Lindsay	Schellpeper	Weihing
Dierks	Hefner	Lynch	Schimek	Wesely
	Johnson, L.	McFarland	Schmit	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beyer

Excused and not voting, 11:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
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.

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to park entry permits; to amend section 37-1111, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

Whereupon the 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	Chizek	Hall	Labedz	Nelson
Baack	Conway	Hannibal	Lamb	Peterson
Barrett	Crosby	Hartnett	Langford	Pirsch
Bernard-Stevens	Dierks	Hefner	Lindsay	Robak
Byars	Elmer	Johnson, L.	Lynch	Schellpeper
	Goodrich	Kristensen	McFarland	Schimek

Schmit	Smith	Wehrbein	Weihing	Wesely
Scofield	Warner			

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beyer

Excused and not voting, 11:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
Coordsen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to game and parks; to amend section 37-706, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the sale of game birds or animals propagated pursuant to a permit as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Crosby	Johnson, L.	McFarland	Schmit
Baack	Dierks	Kristensen	Nelson	Scofield
Barrett	Elmer	Labedz	Peterson	Smith
Bernard-Stevens	Goodrich	Lamb	Pirsch	Warner
Byars	Hall	Langford	Robak	Wehrbein
Chizek	Hannibal	Lindsay	Schellpeper	Weihing
Conway	Hartnett	Lynch	Schimek	Wesely
	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Beyer Chambers

Excused and not voting, 11:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
Coordsen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 185. With Emergency.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-814.01, Reissue Revised Statutes of Nebraska, 1943; to change the maximum amount allowed in each change cash fund 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, 37:

Abboud	Conway	Hefner	McFarland	Schmit
Baack	Crosby	Johnson, L.	Nelson	Scofield
Barrett	Dierks	Kristensen	Peterson	Smith
Bernard-Stevens	Elmer	Labedz	Pirsch	Warner
Byars	Goodrich	Lamb	Robak	Wehrbein
Chambers	Hall	Langford	Schellpeper	Weihing
Chizek	Hannibal	Lindsay	Schimek	Wesely
	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Beyer

Excused and not voting, 11:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
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.

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1744, Reissue Revised Statutes of Nebraska, 1943; to redefine group home; and to repeal the original section.

Whereupon the 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	Conway	Hefner	Lynch	Schmit
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Elmer	Labedz	Peterson	Warner
	Goodrich	Lamb	Pirsch	Wehrbein
Byars	Hall	Langford	Robak	Weihing
Chambers	Hannibal	Lindsay	Schellpeper	Wesely
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Beyer	Schimek

Excused and not voting, 11:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem
Coordsen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 195.

A BILL FOR AN ACT 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 while under the influence of alcohol or of any controlled substance; to provide for certain testing procedures as prescribed; to provide a fee; 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, 39:

Abboud	Chizek	Hannibal	Lindsay	Schimek
Baack	Conway	Hartnett	Lynch	Schmit
Barrett	Coordsen	Hefner	McFarland	Scofield
Bernard-Stevens	Crosby	Johnson, L.	Nelson	Smith
	Dierks	Kristensen	Peterson	Warner
Beyer	Elmer	Labedz	Pirsch	Wehrbein
Byars	Goodrich	Lamb	Robak	Weihing
Chambers	Hall	Langford	Schellpeper	Wesely

Voting in the negative, 0.

Excused and not voting, 10:

Ashford	Haberman	Korshoj	Moore	Rogers
Beck	Johnson, R.	Landis	Morrissey	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Bracket LB 209

Mr. Hall asked unanimous consent to bracket LB 209 until March 1, 1989. No objections. So ordered.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 615. Indefinitely postponed.

(Signed) W. Owen Elmer, 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 15, 1989. 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	Associated Students of Kearney State College
Baum Jr., Richard H. - Lincoln	Nebraska School Improvement Association (Withdrawn 89/02/15)
Bredthauer, Trudy Saunders - Omaha	Nebraska Methodist Health System, Inc.
Gerraughty, Robert J. - Omaha	Creighton University
Grabenstein-Chandler, Jane - Lincoln	Gil Grady & Associates
Lutz, Mark - Lincoln	Employers Unemployment Insurance Association
Remmers, R. Wiley - Lincoln	Independent Insurance Agents of Omaha
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Bosselman, Inc.

UNANIMOUS CONSENT - Member Excused

Mrs. Langford asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Reconsider Action on LB 165

Mr. Hannibal renewed his pending motion, found in the Journal on page 720, to reconsider the Final Reading vote on LB 165.

Messrs. Hartnett and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hannibal motion to reconsider prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 56, 127, 167, 184, 185, 366, and 195.

MOTION - Return LB 165 to Select File

Ms. Schimek moved to return LB 165 to Select File for the following specific amendment:
FA38
strike line 25 on page 8 and lines 1 and 2 on page 9.

Mr. Korshoj 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 27 ayes, 0 nays, and 22 not voting.

The Schimek motion to return lost with 8 ayes, 22 nays, 12 present and not voting, and 7 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 165.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Abboud	Beck	Bernard-Stevens	Beyer	Chizek
Baack			Chambers	Conway

Dierks	Johnson, L.	Lindsay	Robak	Wehrbein
Elmer	Kristensen	McFarland	Schmit	Weihing
Hall	Labedz	Nelson	Scofield	Wesely
Hannibal	Landis	Pirsch		

Voting in the negative, 15:

Barrett	Crosby	Johnson, R.	Moore	Schimek
Byars	Goodrich	Lamb	Morrissey	Smith
Coordsen	Hefner	Lynch	Schellpeper	Warner

Present and not voting, 1:

Peterson

Excused and not voting, 7:

Ashford	Hartnett	Langford	Rogers	Withem
Haberman	Korshoj			

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 bill: 165.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM0424

1. On page 2, line 22, strike "two-week residential"; and in line 23 after "session" insert "of not more than two weeks".

2. On page 9, strike beginning with "not" in line 15 through "student" in line 16 and insert "of time as agreed upon by the schools of the participants".

Mr. Barrett asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM0425

1. On page 3, strike beginning with "Two" in line 5 through line 23 and insert "Participants in the Legislative Academy for Youth Leadership shall be selected annually from each legislative district. Each member of the Legislature shall select two participants from the member's legislative district. Selections shall be made from a list of nominees submitted to the Director of Research of the Legislature. High schools shall submit two copies of the nomination form for each nominee to the director. The director shall provide one copy to the member of the Legislature in whose district the student resides.".

MOTION - Withdraw LB 365

Mrs. Labedz moved to withdraw LB 365.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 66. Placed on General File.

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendments to LB 55:
AM0373

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 4, line 7, strike "board, commission, or committee"; and strike beginning with "unless" in line 17 through "office" in line 22.

LEGISLATIVE BILL 262. Placed on General File as amended.
Standing Committee amendment to LB 262:
AM0377

1. On page 3, line 15, strike "four" and insert "two".

LEGISLATIVE BILL 352. Placed on General File as amended.
Standing Committee amendments to LB 352:

AM0376

1. On page 2, line 21 strike "twenty" and insert "thirty".

2. On page 4, line 3, strike "twenty", show as stricken, and insert "thirty".

LEGISLATIVE BILL 534. Placed on General File as amended.
Standing Committee amendment to LB 534:
AM0375

1. On page 11, strike beginning with "accepting" in line 3 through "serving" in line 4 and insert "beginning his or her term"; and strike beginning with "An" in line 4 through line 9.

LEGISLATIVE BILL 601. Placed on General File as amended.
Standing Committee amendment to LB 601:
AM0374

1. On page 2, line 6, reinstate the stricken comma; in line 13 after "year" insert ", other than the fee for filing for office,"; in line 15 strike "an" and insert "public"; and in line 18 after "year" insert "other than the fee for filing for office".

LEGISLATIVE BILL 524. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

Urban Affairs

LEGISLATIVE BILL 451. Placed on General File as amended.
Standing Committee amendments to LB 451:
AM0391

1. Insert the following new section:

"Sec. 2. That section 31-735, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

Section 1. That section 31-735, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-735. (1) On the first Tuesday after the second Monday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district and on the first Tuesday after the second Monday in September each two

years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees of five in number shall be elected. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. Any person desiring to file for the office of trustee may file for such office with the election commissioner, or county clerk in counties having no election commissioner, of the county in which the greater proportion in area of the district is located not later than fifty days before the election. No filing fee shall be required. A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether he or she is a candidate for election by the resident owners of such district or whether he or she is a candidate for election by all of the owners of real estate located in the district. The name of such candidate shall appear on only one ballot. The name of a person may be written in and voted for as a candidate for the office of trustee, and such write-in candidate may be elected to the office of trustee. Such trustees shall be owners of real estate located in the district. Notice of the date of the election shall be mailed by the clerk of the district not later than sixty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the ~~board of trustees~~ election commissioner or county clerk, which date shall be not more than ~~sixty-five~~ seventy-five days prior to the election.

(2) For any sanitary and improvement district, persons whose ownership or right to vote becomes of record or is received after the date specified pursuant to subsection (1) of this section may vote upon establishing their right to vote to the satisfaction of the election board. At the first election and at the election held two years after the first election, any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she may own in the

district. At the election held four years after the first election of trustees, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land or fraction thereof and for each platted lot owned within the district for a candidate for each office of trustee to be filled by election of all property owners. For each office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she owns in the district. At the election held eight years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section, except that if more than fifty percent of the homes in any sanitary and improvement district are used as a second, seasonal, or recreational residence, the owners of such property shall be considered legal property owners resident within such district for purposes of electing trustees, and at the election held six years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section. If there are not any legal property owners resident within such district, the five members shall be elected by the legal property owners of all property within such district as provided in this section. Any corporation, whether public, private, or municipal, owning any land or lot in the district may vote at such election the same as an individual. For purposes of voting for

trustees, each condominium apartment under a condominium property regime established prior to January 1, 1984, under the Condominium Property Act or established after January 1, 1984, under the Nebraska Condominium Act shall be deemed to be a platted lot and the lessee or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. 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. The ~~executor~~ personal representative, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees. 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 their number chairperson and one of their number clerk. In case of a vacancy on such board, the remaining trustees shall fill the vacancy on such board until the next election.

(3) The election commissioner or county clerk shall hold any election required by subsection (1) of this section by sealed mail ballot by notifying the board of trustees on or before ~~June 30~~ July 1 of a given year. The election commissioner or county clerk shall, at least twenty days prior to the election, mail a ballot and return envelope to each person who is entitled to vote at the election and whose property ownership or lease giving a right to vote is of record with the register of deeds as of the date designated by the ~~board of trustees~~ election commissioner or county clerk, which date shall not be more than seventy-five days prior to the election. The ballot and return envelope shall include: (a) The names and addresses of the candidates; (b) room for write-in candidates; and (c) instructions on how to vote and return the ballot. Such ballots shall be returned to the election

commissioner or county clerk no later than 10:00 a.m. of the first Thursday following the election.".

2. On page 2, lines 4 and 5 and 9 and 10, strike the new matter and reinstate the stricken matter; in line 15 strike "June" show as stricken, and insert "September"; in line 16 after the period insert "Failure by the clerk of any such district to file such statement shall result in a criminal fine of at least ten dollars but not more than three hundred dollars for each day such statement is not filed."; and strike beginning with "Failure" in line 24 through "shall" in line 25 and show the old matter as stricken.

3. On page 3, strike beginning with "result" in line 2 through the period in line 3 and show the old matter as stricken; in line 4 strike "section 31-727.03" and insert "sections 31-727.03 and 31-735"; and in line 5 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 362. Title read. Considered.

MRS. LABEDZ PRESIDING

Mr. Peterson 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, 0 nays, and 41 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit, Lynch, Beyer, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 362A. Title read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 489. Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 excused and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 318. Title read. Considered.

Standing Committee amendment, AM0191, found in the Journal on page 581 for the Twenty-First 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.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 440. 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 154. Title read. Considered.

Standing Committee amendments, AM0173, found in the Journal on page 589 for the Twenty-First 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.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendments to LB 290:
AM0384

1. On page 2, lines 12 and 13 and lines 20 and 21, strike "not fewer than twelve nor more than twenty-four hours" and insert "the required hours".

2. On page 4, line 14, after the period insert "The training required by subdivision (3) of this section shall be between twelve and twenty-four hours as determined by the department.".

LEGISLATIVE BILL 363. Placed on General File as amended.
Standing Committee amendment to LB 363:
AM0179

1. On page 3, strike beginning with "The" in line 23 through the period in line 25.

LEGISLATIVE BILL 659. Placed on General File as amended.
Standing Committee amendments to LB 659:
AM0383

1. On page 3, line 18, strike "or petitioners are"; in line 19 strike "stepparents" and insert "is a stepparent"; and in line 23 after the period insert "The department or agency shall determine the fee or rate for the preplacement home study.".

2. On page 4, after line 4, insert:

"(e) The provisions of this subsection as they exist prior to the effective date of this act shall apply to adoption placements which are in effect on January 1, 1990.".

LEGISLATIVE BILL 723. Placed on General File as amended.

Standing Committee amendment to LB 723:
AM0211

1. Strike the original sections and insert the following new sections:

"Section 1. That section 83-380.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-380.01. ~~Upon the discharge from a treatment facility, an~~ An indigent person who ~~has received~~ is receiving mental health ~~board-ordered~~ treatment may file an affidavit with the Department of Public Institutions, ~~or~~ the mental health board, or mental health center requesting that prescription medicine which the regional center treating psychiatrist or the patient's treating physician has prescribed as necessary for the patient's mental health treatment be provided to him or her. Such affidavit shall include the following: (1) That the patient qualifies as an indigent person who is unable to pay under the same standards of ability to pay as set forth in sections 83-363 to 83-380; and (2) that such prescription medicine has been prescribed by the regional ~~center's treatment~~ center treating psychiatrist or the patient's treating physician as necessary for the patient's mental health treatment. The mental health board or mental health center shall refer such requests it receives to the ~~Department of Public Institutions~~ department and the department shall provide such prescription medicine as may be necessary for such former patient's mental health treatment so long as he or she remains an outpatient and his or her treating physician continues to prescribe and certify that such prescription medicine is necessary for the patient's mental health treatment and he or she continues to be an indigent person as determined under the same standards of ability to pay as set forth in sections 83-363 to 83-380. The ~~Department of Public Institutions~~ department may adopt and promulgate rules and regulations to carry out the provisions of this section in accordance with the Administrative Procedure Act, including, but not limited to, providing for hearings necessary to determine whether such person is qualified to receive such medications and whether such medication is necessary for the patient's mental health treatment.

Sec. 2. That section 83-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1002. For ~~the~~ purposes of ~~this act~~ the Nebraska Mental Health Commitment Act, unless the context otherwise requires, the definitions found in sections 83-1003 to 83-1015 and section 3 of this act shall be used.

Sec. 3. Outpatient treatment shall mean a mental health board order directing a person to comply with specified treatment requirements that are reasonably designed to alleviate or reduce the person's illness or disability or to maintain or prevent deterioration of the person's mental or emotional functioning. The specified requirements may include, but need not be limited to, (a) taking prescribed medication, (b) reporting to a facility for treatment or to permit monitoring of the person's condition, or (c) participating in individual or group therapy or educational or vocational programs.

Sec. 4. That section 83-1078, Revised Statutes Supplement, 1988, be amended to read as follows:

83-1078. ~~This act~~ Sections 29-2203, 80-601, 83-308.02, 83-312, 83-314, 83-318, 83-324, 83-337, 83-339, 83-351, and 83-1001 to 83-1078 and section 3 of this act shall be known and may be cited as the Nebraska Mental Health Commitment Act.

Sec. 5. That original sections 83-380.01 and 83-1002, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988, are repealed.".

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 582A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 582, Ninety-first Legislature, First Session, 1989.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 1989, at 10:30 a.m., were the following bills: 56, 127, 167, 184, 185, 366, and 195.

(Signed) Jan Loder, Enrolling Clerk

Presented to the Governor on February 16, 1989, at 10:55 a.m., was the following bill: 165.

(Signed) Randall Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

AM0438

1. On page 3, strike lines 2 through 4 and insert the following new subdivisions:

"(2) Financial need shall have the same meaning as substantial financial need in section 85-990;

(3) Full-time practice of nursing shall mean being engaged in the practice of nursing at least one thousand five hundred hours in a year;"; in line 5 strike "(3)" and insert "(4)"; in line 7 strike "(4)" and insert "(5)"; in line 9 strike "fifteen" and insert "fifty"; strike lines 10 and 11 and insert:

"Sec. 5. A person enrolled or accepted for enrollment in an accredited postsecondary nursing program in the State of Nebraska may enter into a nursing incentive agreement. Students shall be selected upon application to the institution in which the student is enrolled or accepted for enrollment on the basis of greatest financial need. Such agreement shall"; strike lines 17 and 18 and insert "the student will be reimbursed for the cost of nursing education for each year in which the student is"; in line 19 strike "full-time student"; and in line 20 after "year" insert "for a full-time student and in an amount not to exceed

one thousand dollars per year for a part-time student".

2. On page 4, lines 1 and 2, 6, and 16 and 17, strike "at least the half-time" and insert "full-time"; in line 3 after "the" insert "person or" and strike "such" and insert "a"; in line 4 after "loan" insert "or other funds"; in line 7 after the period insert "Reimbursement shall not extend beyond four years of study regardless of the amount of time engaged in the study of nursing."; in line 8 strike "nursing student" and insert "person enrolled or accepted for enrollment in an accredited postsecondary nursing program in the State of Nebraska"; in line 10 strike "Nursing"; in line 12 strike "an additional" and insert "a"; in line 13 after "student" insert "or a payment of five hundred dollars for each year he or she is a part-time student"; in line 14 strike "a" and insert "the" and strike "as described in" and insert ". A person may be eligible for a rural incentive payment whether or not he or she otherwise participates in any other program or incentive provided by the Nursing Incentive Act."; in line 15 strike "section 5 of this act."; in line 17 after "area" insert "and only for at most four years of study"; in lines 18 and 19 strike "pursuant to the Nursing Incentive Act" and insert "for nursing incentives under section 5 of this act"; in line 21 after the first "students" insert "at any one time. Agreements for rural nursing incentives under section 6 of this act shall be limited to fifty new students per year with a maximum of two hundred students at any one time"; strike beginning with "A" in line 21 through the period in line 23; and in line 25 strike "section 5" and insert "sections 5 and 6".

3. On page 5, line 2, after the period insert "At least five positions shall be reserved for students seeking postgraduate degrees in nursing per year, and no more than fifteen positions shall be for part-time students per year.".

Mr. Chizek asked unanimous consent to print the following amendment to LB 140 in the Journal. No objections. So ordered.

AM0359

1. On page 3, line 23, strike beginning with "course" through "educational" and insert "other private

course of study or any private educational"; and in line 24 after "institutions" insert "otherwise".

2. On page 17 strike beginning with "The" in line 17 through "Act" in line 18 and insert "On account shall not be assessed as available income in an application for financial aid and".

3. In the Standing Committee amendments, AM0168, strike beginning with "under" in line 7 through "closed" in line 9; and in line 9 after "act" insert "or pursuant to any contract or arrangement providing for the management of an account".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Elmer asked unanimous consent to have his name added as co-introducer to LB 183. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Widows Support Group from Blair; 14 eighth grade students and teacher from Platte Center; 16 students and teachers from Lexington; and Stacie M. Alexander and Virginia D. Thrall from Lombard, Illinois.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 21, 1989

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 21, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Al Norden, Lutheran Campus, Retired, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Hartnett, R. Johnson, Korshoj, Lindsay, Morrissey, Rogers, Schellpeper, Schmit, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

MESSAGE FROM THE GOVERNOR

February 16, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 43, 80, 82, 106, 113, 166, 171, 172, 194, 200, 296, 321, 322, and 353 were received in my office on February 13, 1989.

These bills were signed by me on February 16, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 546. Placed on General File.
LEGISLATIVE BILL 639. Placed on General File.

LEGISLATIVE BILL 76. Placed on General File as amended.
Standing Committee amendment to LB 76:
AM0461

1. Insert the following new section:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 196. Indefinitely postponed.
LEGISLATIVE BILL 635. Indefinitely postponed.
LEGISLATIVE BILL 752. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

REPORTS

Received biennial report from the Equal Opportunity Commission pursuant to Section 48-1117(6).

Received quarterly report from the Department of Roads for the Nebraska State Highway Commission as of December 31, 1988.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Read. Considered.

LR 31 was adopted with 32 ayes, 0 nays, and 17 not voting.

EASE

The Legislature was at ease from 9:22 a.m. until 9:42 a.m.

MOTION - Withdraw LB 368

Mr. Lamb renewed his pending motion found in the Journal on page 748 to withdraw LB 368.

The Lamb motion prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB 365

Mrs. Labedz renewed her pending motion found in the Journal on page 779 to withdraw LB 365.

The Labedz motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 320. Placed on Select File as amended.
E & R amendments to LB 320:
AM5067

1. On page 1, line 2, after "Act" insert ";
and to provide severability".
2. On page 4, line 14, strike both commas.
3. On page 5, line 25, after "enrollment"
insert a comma.
4. On page 9, line 13, strike "will" and
insert "shall".
5. On page 10, line 20, strike the comma.
6. On page 11, line 3, strike "nonapproval"
and insert "disapproval".
7. On page 12, line 6, after "unless" insert
"specifically mentioned in the Prepaid Limited Health
Service Organization Act or unless"; and in line 7
strike "therein" and insert "in the provisions of
Chapter 44".

8. On page 16, line 4, strike the comma; and in line 14 strike "organizations" and insert "organization's".

9. On page 17, line 5, after "assets" insert a comma; and in line 16 after "deposit" insert a comma.

10. On page 18, line 12, strike "care"; and in line 17 strike "provisions of".

11. On page 19, line 13, after "of" insert "limited" and strike "care"; and in line 21 strike "a" and strike "expense" and insert "expenses".

12. On page 20, line 2, strike "this" and after "subsection" insert "(2) of this section"; in line 4 after "state" insert a comma and strike the comma after "or"; in line 7 strike "licensed" and strike "agent" and insert "licensee"; and in line 9 strike "satisfies" and insert "shall satisfy".

13. On page 21, in lines 4 and 6 strike "certified" and insert "audited" and after "independent" insert "certified".

14. On page 22, line 10, strike "exist" and insert "exists"; in line 16 strike the comma; and in line 21 strike "sections 9 and" and insert "section 9 or".

15. On page 24, line 15, strike the comma; and in line 16 strike "subscribers" and insert "enrollees".

16. On page 25, line 3, strike "(a)" and insert "(1)"; in lines 4 and 6 after "or" insert "other"; in line 9 strike "(b)" and insert "(2)"; and in line 10 strike the comma.

17. On page 27, line 5, strike "wherein" and insert "in which"; strike beginning with "shall" in line 14 through "department" in line 16 and insert ", is privileged information, or is part of an"; in line 17 after "examination" insert "by the director"; and in line 18 after "in" insert "subsection (3) of".

18. On page 28, line 2, strike "provisions of the".

LEGISLATIVE BILL 326. Placed on Select File as amended.
E & R amendments to LB 326:
AM5061

1. In the Standing Committee amendments, AM0171, on page 3, line 2, strike "is", show as

stricken, and insert "are".

2. On page 1, line 2, strike "section" and insert "sections" and after "60-1008" insert "and 81-8,239.01"; in line 5 after the last semicolon insert "to harmonize provisions"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 334. Placed on Select File as amended.
E & R amendment to LB 334:
AM5062

1. On page 3, line 12, strike the comma.

LEGISLATIVE BILL 354. Placed on Select File.
LEGISLATIVE BILL 354A. Placed on Select File.
LEGISLATIVE BILL 362. Placed on Select File.
LEGISLATIVE BILL 362A. Placed on Select File.

LEGISLATIVE BILL 489. Placed on Select File as amended.
E & R amendment to LB 489:
AM5064

1. On page 3, line 12, after "as" insert "a".

LEGISLATIVE BILL 318. Placed on Select File as amended.
E & R amendment to LB 318:
AM5066

1. In the Standing Committee amendments, AM0191:

a. On page 4, line 21, after the second "covered" insert "surviving";

b. On page 5, line 5, strike "renewable" and insert "renewal"; and in lines 8, 16, and 19 after "covered" insert "surviving"; and

c. On page 6, in lines 11, 14, and 22 after "covered" insert "surviving"; and in line 22 strike the comma.

LEGISLATIVE BILL 440. Placed on Select File.

LEGISLATIVE BILL 154. Placed on Select File as amended.
E & R amendment to LB 154:
AM5065

1. On page 1, line 2, strike "sections 53-103 and" and insert "sections"; in line 4 strike "redefine terms; to"; in line 5 strike "off the premises"; and in

line 7 strike "sections" and insert "section".

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM0434

1. On page 2, line 22, strike "two-week residential"; and in line 23 after "session" insert "of not more than two weeks".

2. On page 9, strike beginning with "not" in line 15 through "student" in line 16 and insert "of time as agreed upon by the schools of the participants".

3. On page 10, strike beginning with "not" in line 3 through "duration" in line 4.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 227. Placed on General File as amended.
Standing Committee amendments to LB 227:
AM0394

1. On page 2, line 10, strike "sixteen" and insert "fourteen"; and in lines 15 and 23 after "license" insert "or permit".

2. On page 3, line 10, strike "sixteen" and insert "fourteen".

LEGISLATIVE BILL 713. Placed on General File as amended.
(Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0395.)

(Signed) Howard Lamb, Chairperson

SELECT FILE

LEGISLATIVE BILL 298. Mr. Barrett renewed his pending amendment, AM0343, found in the Journal on page 721.

The Barrett amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 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.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 32. Introduced by Wesely, 26th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, one hundred twenty-five thousand Nebraskans and twenty million people in the United States suffer from kidney-related diseases, and eighty thousand 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 ten thousand 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 312 in the Journal. No objections. So ordered.

AM0270

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 6, strike "and"; and in line 7 after "sections" insert "; and to declare an emergency".

Mr. Withem asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM0350

1. On page 4, line 21, after "Committee" insert "and cooperating faculty at any Nebraska teacher training institution", after "shall" insert "conduct research and", and after "make" insert "analyses of and publish".

Mr. Hall asked unanimous consent to print the following amendment to LB 704 in the Journal. No objections. So ordered.

FA39

To amend the Committee amendments to LB 704;

In the Committee amendments, change "$500" to "$750".

ANNOUNCEMENT

Mr. Withem announced the Education Committee Hearing on Tuesday, February 28, 1989 at 1:30 p.m. will be changed from the East Chamber to Room 1517.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 87. Placed on General File.
LEGISLATIVE BILL 220. Placed on General File.
LEGISLATIVE BILL 234. Placed on General File.
LEGISLATIVE BILL 372. Placed on General File.
LEGISLATIVE BILL 399. Placed on General File.
LEGISLATIVE BILL 401. Placed on General File.
LEGISLATIVE BILL 558. Placed on General File.
LEGISLATIVE BILL 592. Placed on General File.

LEGISLATIVE BILL 73. Indefinitely postponed.
LEGISLATIVE BILL 351. Indefinitely postponed.

LEGISLATIVE BILL 400. Indefinitely postponed.
LEGISLATIVE BILL 684. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Revenue

LEGISLATIVE BILL 714. Placed on General File as amended.
Standing Committee amendments to LB 714:
AM0464

1. Insert the following new sections:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15.

Sec. 3. The Tax Commissioner shall not include in any notice of deficiency determination issued for a period prior to January 1, 1990, any amount for tax on tangible personal property incorporated into real estate on which a sales tax has been collected by a contractor or repairperson and which has not been refunded. Such sales tax shall be considered as properly paid tax and shall not be refunded except as specifically allowed in some other provision of the Nebraska Revenue Act of 1967.

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 2, line 5, after "77-2713" insert "and section 3 of this act".

3. On page 3, lines 4 and 5, strike the new matter and insert ". The contractor or repairperson shall be permitted to make an election as to whether:

(a) He or she is considered a contractor or repairperson, in which case he or she shall be considered to be the consumer of such tangible personal property;

(b) He or she is considered a retailer, in which case he or she shall not be considered to be the

final consumer of such tangible personal property; or

(c) He or she is considered a combination retailer and contractor or repairperson, in which case (i) he or she shall be considered the consumer of such tangible personal property for that portion of the business which is for contracting and repair services and (ii) he or she shall not be considered the consumer of such tangible personal property for that portion of the business which is for sale of tangible personal property not sold in the course of contracting and repair services. Such person shall maintain a tax-paid inventory for that portion of the business which is for contracting and repair services and a tax-free inventory for that portion of the business which is retail and shall maintain records of both such inventories.

The Department of Revenue shall not prescribe any requirements of Nebraska sales revenue, percentage or otherwise, restricting any person's election. Any change in an election shall require prior approval by the Tax Commissioner.

Any change in the election provided for in this section shall, if filed on or prior to the fifteenth of the month, become effective at the beginning of the following month or, if filed after the fifteenth of the month, become effective on the first day of the next succeeding month. Any person who changes his or her election and becomes a contractor or repairperson shall pay the tax on all tangible personal property in inventory which may be incorporated into real estate at the time of making the change in election. Any person who changes his or her election and becomes a retailer shall not be entitled to a refund but shall receive a credit for the tax paid on tangible personal property in inventory at the time the tangible personal property is sold. The credit shall be applied against the tax collected on sales of such tangible personal property.

Any contractor or repairperson who has not completed and filed an election as required in this section prior to January 1, 1990, or within three months after beginning to operate as a contractor or repairperson, whichever is later, shall be considered a retailer for all periods until an election has been made".

4. On page 15, line 21, strike "and" and show as stricken; in line 25 after the semicolon insert:

"and

(f) A sale of any tangible personal property incorporated into an improvement upon real estate except when such incorporation is incidental to the transfer of the improvement upon real estate or the real estate or when such incorporation is performed by a contractor or repairperson who elects to be considered the consumer of such tangible personal property pursuant to subdivision (3)(a) or (c)(i) of this section;".

5. On page 21, strike lines 3 through 6 and insert "(vi) Every person who has elected to be considered a retailer pursuant to subdivision (3)(b) or (c)(ii) of this section; and".

6. On page 29, line 1, strike "section" and insert "sections 77-2701 and"; and in line 2 strike "is" and insert "are".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 762. Placed on General File as amended.
Standing Committee amendments to LB 762:
AM0369

1. On page 4, line 20, strike "If", show as stricken, and insert "(1) Except as provided in subsection (2) of this section, if".

2. On page 6, after line 3, insert the following new subsection:

"(2) For property valued by the state, for purposes of a demand for refund pursuant to this section, the Tax Commissioner shall perform the functions of the county treasurer and county board. Upon approval of the refund claim by the commissioner or a court of competent jurisdiction, the commissioner shall certify the amount of the refund to the county treasurer to whom this tax was paid or distributed. The refund shall be made in the manner prescribed in subsection (2) of section 77-1736.04.".

3. On page 7, lines 2, 18, 19, and 23 and 24, strike "tax district" and insert "political subdivision"; and in line 25 strike "tax" and insert "political subdivision".

4. On page 8, line 1, strike "district"; in

lines 5 and 6, 10 and 11, 13, 14 and 15, and 20 strike "tax district", show the old matter as stricken, and insert "political subdivision"; and in line 16 strike "district", show as stricken, and insert "political subdivision".

(Signed) Tim Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 48. Mr. Landis withdrew his pending motion, found in the Journal on page 719, to indefinitely postpone.

Mr. Bernard-Stevens renewed his pending amendment, AM0347, found in the Journal on page 740.

Mr. Dierks offered the following amendment to the pending Bernard-Stevens amendment:
AM0480

(Amendments to the Bernard-Stevens amendments, AM0347)

1. On page 1, strike beginning with "Strike" in line 1 through "insert" in line 2 and insert "Insert"; and strike beginning with "Section" in line 4 through line 21.

2. Strike beginning on page 2, line 1 through page 4, line 6.

3. On page 4, line 7, strike "6" and insert "5"; in line 20 strike "7" and insert "6"; and in line 24 strike "as defined in".

4. On page 5, line 1, strike "section 2 of this act"; in line 6 strike "8" and insert "7"; and in line 11 strike "9" and insert "8".

The Chair ordered a roll call vote on the Dierks amendment.

Voting in the affirmative, 19:

Barrett	Crosby	Korshoj	Nelson	Warner
Beck	Dierks	Lamb	Peterson	Wehrbein
Byars	Hartnett	Landis	Pirsch	Wesely
Chambers	Hefner	Morrissey	Schellpeper	

Voting in the negative, 21:

Abboud	Chizek	Haberman	Labedz	Moore
Baack	Conway	Hall	Langford	Schmit
Bernard-Stevens	Coordsen	Hannibal	Lindsay	Weihing
Beyer	Elmer	Johnson, L.	Lynch	Withem
	Goodrich			

Present and not voting, 8:

Ashford	Kristensen	Robak	Scofield	Smith
Johnson, R.	McFarland	Schimek		

Excused and not voting, 1:

Rogers

The Dierks amendment lost with 19 ayes, 21 nays, 8 present and not voting, and 1 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Moore moved for a call of the house. The motion prevailed.

Mr. Dierks requested a roll call vote on the pending Bernard-Stevens amendment.

Voting in the affirmative, 21:

Abboud	Chizek	Hall	Langford	Morrissey
Baack	Conway	Johnson, L.	Lindsay	Schmit
Bernard-Stevens	Elmer	Johnson, R.	Lynch	Weihing
Beyer	Goodrich	Labedz	Moore	Withem
	Haberman			

Voting in the negative, 25:

Ashford	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Korshoj	Nelson	Smith
Beck	Dierks	Kristensen	Peterson	Warner
Byars	Hannibal	Lamb	Schellpeper	Wehrbein
Chambers	Hartnett	Landis	Schimek	Wesely

Present and not voting, 2:

Pirsch Robak

Excused and not voting, 1:

Rogers

The Bernard-Stevens amendment lost with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Moore reoffered the following amendment, found in the Journal on page 682:

AM0309

1. Strike the Standing Committee amendments, AM0040.

2. On page 2, line 11, strike the colon; in line 12 strike "(1) Distribute" and insert "distribute" and strike "smokeless"; in line 14 strike both occurrences of "and" and insert "or"; strike beginning with the semicolon in line 15 through "mouth" in line 21; and in line 23 strike "smokeless".

3. On page 3, line 1, strike "smokeless".

The Chair ordered a roll call vote on the pending Moore amendment.

Voting in the affirmative, 20:

Abboud	Beyer	Elmer	Korshoj	Lynch
Ashford	Byars	Goodrich	Labedz	Moore
Baack	Chambers	Haberman	Langford	Schellpeper
Bernard-Stevens	Conway	Hannibal	Lindsay	Schmit

Voting in the negative, 19:

Barrett	Dierks	Johnson, R.	Rogers	Wehrbein
Beck	Hall	Kristensen	Schimek	Weihing
Coordsen	Hartnett	Landis	Scofield	Wesely
Crosby	Johnson, L.	Nelson	Smith	

Present and not voting, 10:

Chizek	Lamb	Morrissey	Pirsch	Warner
Hefner	McFarland	Peterson	Robak	Withem

The Moore amendment lost with 20 ayes, 19 nays, and 10 present and not voting.

Messrs. Korshoj and Hall asked unanimous consent to be excused. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Dierks moved for a call of the house. The motion prevailed.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Ashford	Crosby	Lamb	Pirsch	Smith
Barrett	Dierks	Landis	Robak	Warner
Beck	Hartnett	McFarland	Rogers	Wehrbein
Byars	Hefner	Morrissey	Schellpeper	Weihing
Chambers	Johnson, L.	Nelson	Schimek	Wesely
Coordsen	Kristensen	Peterson	Scofield	Withem

Voting in the negative, 16:

Abboud	Beyer	Haberman	Labedz	Lynch
Baack	Chizek	Hannibal	Langford	Moore
Bernard-Stevens	Conway	Johnson, R.	Lindsay	Schmit
	Elmer			

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Hall Korshoj

Advanced to E & R for Engrossment with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MR. LAMB PRESIDING

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 158A. Mrs. Labedz renewed her pending amendment, AM0287, found in the Journal on page 728.

PRESIDENT NICHOL PRESIDING

The Chair ordered a roll call vote on the Labedz amendment.

Voting in the affirmative, 35:

Abboud	Crosby	Johnson, L.	Lindsay	Schellpeper
Baack	Dierks	Johnson, R.	Lynch	Scofield
Beck	Elmer	Kristensen	McFarland	Warner
Bernard-Stevens	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Hannibal	Lamb	Pirsch	Weihing
Byars	Hartnett	Landis	Robak	Wesely
Coordsen	Hefner	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Chizek	Haberman	Morrissey	Schmit
Barrett	Conway	Moore	Schimek	Smith
Chambers				

Excused and not voting, 3:

Hall	Korshoj	Peterson

The Labedz amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 312A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 327. E & R amendment, AM5055, found in the Journal on page 684 for the Twenty-Sixth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 412. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 61. E & R amendment, AM5051, found in the Journal on page 685 for the Twenty-Sixth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 349. E & R amendments, AM5054, found in the Journal on page 685 for the Twenty-Sixth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 176. E & R amendments, AM5053, found in the Journal on page 685 for the Twenty-Sixth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 502. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendment, AM5057, found in the Journal on page 746 for the Twenty-Ninth Day, was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0481

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of sections 1 to 7 of this act:

(1) Department shall mean the Department of Health;

(2) Designated physician shall mean the physician representing the emergency medical services provider as identified by name, address, and telephone number on the significant exposure report form;

(3) Emergency medical services provider shall mean a person certified to provide emergency medical

services pursuant to sections 71-5101 to 71-5123, a person certified to provide emergency medical care pursuant to the Emergency Medical Technician-Paramedic Act, a sheriff, a deputy sheriff, a police officer, a state highway patrol officer, and a firefighter;

(4) Health care facility shall have the meaning found in subdivisions (2), (10), and (11) of section 71-2017.01;

(5) Infectious disease or condition shall mean hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, and such other diseases as the department may from time to time specify;

(6) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or incapacitated;

(7) Provider agency shall mean any law enforcement agency, fire department, ambulance service, or other entity which is in the business of providing emergency response services;

(8) Significant exposure shall mean a situation in which the body fluids, such as blood, saliva, urine, or feces, of a patient have entered the body of an emergency medical services provider through a body opening such as the mouth or nose, mucous membrane, or break in skin from cuts or abrasions, from a contaminated needlestick or scalpel, from intimate respiratory contact, or through any other situation when the patient's body fluids may have entered the emergency medical services provider's body; and

(9) Significant exposure report form shall mean the form used by the emergency medical services provider to document information necessary for notification of infectious disease or condition exposure.

Sec. 2. The department shall prescribe a form for use by the emergency medical services provider to notify the health care facility and the designated physician that the provider has had a significant exposure to an infectious disease or condition. The form shall include identifying information for the emergency medical services provider, the provider agency, the designated physician, the patient, the patient's physician, and the receiving health care

facility, a description of the exposure, a description of the protective measures and equipment used by the provider to minimize exposure hazard, and such other information as is necessary to protect the public health and safety and to implement sections 1 to 7 of this act.

Sec. 3. (1) Whenever an emergency services provider has a significant exposure in the process of caring for a patient, he or she may complete a significant exposure report form. A copy of the completed form shall be given by the emergency medical services provider to the health care facility and to the designated physician.

(2) Upon receipt of the significant exposure form, if a patient has been diagnosed during the normal course of treatment as having an infectious disease, the health care facility shall notify the designated physician pursuant to subsection (4) of this section. If the patient has not been diagnosed as having an infectious disease or condition and upon the request of the designated physician, the health care facility where the patient is hospitalized shall request the necessary diagnostic testing of the patient to determine the presence of an infectious disease or condition. Each health care facility shall develop a policy or protocol to administer such testing and assure confidentiality of such testing.

(3) Results of tests conducted under sections 1 to 7 of this act shall be reported by the facility that conducted the test to the designated physician.

(4) Notification of the patient's diagnosis of infectious disease or condition, including the results of any tests, shall be made orally to the designated physician within forty-eight hours of confirmed diagnosis. A written report shall be forwarded to the designated physician within seventy-two hours of confirmed diagnosis.

(5) Upon receipt of notification under subsection (4) of this section, the designated physician shall notify the emergency medical services provider of the exposure to infectious disease or condition and the results of any tests conducted under sections 1 to 7 of this act.

(6) The notification to the emergency medical services provider shall include the name of the

infectious disease or condition diagnosed but shall not contain the patient's name or any other identifying information. Any person receiving such notification shall treat the information received as confidential and shall not disclose the information except as provided in sections 1 to 7 of this act.

(7) The provider agency shall be responsible for the costs of diagnostic testing required under sections 1 to 7 of this act.

(8) The facility that performs any tests required under subsection (2) of this section shall inform the patient of test results for all tests conducted under sections 1 to 7 of this act.

Sec. 4. (1) The patient shall be informed that he or she has the right to consent to the test and that if the patient refuses the test, such refusal will be communicated to the emergency medical services provider.

(2) If the patient is unconscious or incapable of signing informed consent, the consent may be obtained from the patient's next of kin or legal guardian.

(3) If an emergency medical services provider has a significant exposure which, in the opinion of the designated physician, could involve the transmission of hepatitis B or human immunodeficiency virus, the health care facility shall initiate the necessary diagnostic blood tests of the patient. If the patient or patient's representative refuses to grant consent for such test and a sample of the patient's blood is available, the blood shall be tested for hepatitis B or human immunodeficiency virus. If the patient or patient's guardian refuses to grant consent and a sample of the patient's blood is not available, the patient's refusal shall be communicated to the designated physician who shall inform the emergency medical services provider. The emergency medical services provider may petition the district court for an order mandating that the test be performed.

(4) If a patient dies without the opportunity to consent to blood testing, testing for hepatitis B or human immunodeficiency virus shall be conducted.

Sec. 5. (1) Information concerning any patient or test results obtained under sections 1 to 7 of this act shall be maintained as confidential by the

health care facility that received or tested the patient, the designated physician, the emergency medical service provider, and the provider agency except as provided by such sections. Such information shall not be made public upon subpoena, search warrant, discovery proceedings, or otherwise except as provided by such sections and sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections.

(2) The information described in subsection (1) of this section may be released with the written consent of the patient or, if the patient is deceased or incapable of giving informed consent, with the written consent of his or her next of kin, legal guardian, or executor of his or her estate.

Sec. 6. All health care facilities and provider agencies subject to sections 1 to 7 of this act shall adopt written procedures regarding infectious diseases or conditions which address pre-exposure safeguards and postexposure risk-reduction methods.

Sec. 7. Any health care facility, provider agency, or agent, employee, administrator, physician, or other representative of such health care facility or provider agency who in good faith provides or fails to provide notification, testing, or other action as required by sections 1 to 7 of this act shall have immunity from any liability, either criminal or civil, that might result by reason of such action or inaction.

Sec. 8. That section 71-506, Revised Statutes Supplement, 1988, be amended to read as follows:

71-506. Any person violating any of the provisions of sections 71-501 to 71-505 or sections 1 to 7 of this act shall be guilty of a Class V misdemeanor for each offense. The Attorney General or the county attorney may, in accordance with the laws of the state governing injunctions and other process, maintain an action in the name of the state against any person or any private or public entity for violating ~~sections 71-501 to 71-505~~ such sections and the rules and regulations adopted and promulgated under such sections.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions

thereof.

Sec. 10. That original section 71-506, Revised Statutes Supplement, 1988, is repealed.".

Mr. Lamb asked unanimous consent to print the following amendments to LB 183. No objections. So ordered.

(1)

AM0294

(Amendments to Standing Committee amendments, AM0145)

1. On page 7, line 20, after the second semicolon insert "in line 6 strike 'an' and insert 'A pilot'; in line 7 after 'established' insert 'in any county which includes a Class V school district'; in line 12 after the period insert 'Such pilot enrollment option program shall begin with the 1990-1991 school year and terminate at the end of the 1992-1993 school year.';".

(2)

AM0472

(Amendments to Standing Committee amendments, AM0145)

1. On page 7, line 23, strike "one school year," and insert "four school years".

(3)

AM0471

(Amendments to Standing Committee amendments, AM0145)

1. On page 8, line 3, after the first comma insert "lines 12 and 13, strike 'previous disciplinary proceedings'; and in" and strike the second comma.

(4)

AM0470

(Amendments to Standing Committee amendments, AM0145)

1. Insert the following new amendment:

"5. On page 6, line 25, after 'people' insert ', including the results of all contests with other school districts involving individual or team competition engaged in by the students of the district'.".

2. Renumber the remaining amendments accordingly.

(5)

FA40

(Amendments to Standing Committee amendments, AM0145)

1. On page 1, line 6, strike "ninety school days" and insert "one school year"; and strike line 8 through "association" in line 11 and insert "(1) this waiting period shall not apply if the resident school district and option school district have joint teams or (2) the resident school district may waive the waiting period upon a determination by the resident school district that the transfer was sought and granted for the purpose of improvement of educational opportunities for the student unrelated to the athletic participation".

(6)

AM0256

(Amendments to Standing Committee Amendments, AM0145)

1. Insert the following new section:

"Sec. 6. The school boards of the resident district and option district shall review the application and approve or reject the application. Approval or rejection of an application shall be based upon a sufficient showing that such transfer will result in the improvement of educational opportunities for the student. An application shall be approved by the school boards of the resident district and the option district in order to effectuate a transfer.".

2. On page 7, line 16, strike "15" and insert "16"; in line 20 after the second semicolon insert "in line 9 strike 'section' and insert 'sections'; in line 10 after '5' insert 'and 6'; in line 16 strike 'board or board' and insert 'boards or boards' and after 'the' insert 'resident district and the'; in line 18 after the period insert 'Such application shall state why the applicant desires approval of a transfer and how such transfer will result in the improvement of educational opportunities for the student.' ".

3. On page 8, line 3, after the first comma insert "line 5, after 'the' insert 'resident district and the'; in line 8 after 'include' insert '(1)'; in line 9 after 'building' insert 'and (2) factors relating to educational opportunities in the district'; in" and strike the second comma; in line 16 strike "and"; in

line 17 before the period insert "and in line 24 after the first 'the' insert 'resident district and the' "; and in line 19 strike "15" and insert "16".

4. Insert the following new amendment:

"5. On page 6, line 9, strike '6' and insert '7' ".

5. Renumber the remaining amendments and sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 567A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 567, Ninety-first Legislature, First Session, 1989.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 280. Placed on General File as amended.
Standing Committee amendments to LB 280:
AM0393

1. On page 28, line 22, after "that" insert "(i)".

2. On page 29, line 2, after "inventory" insert "and (ii) in the case of a motorcycle franchise, the payment for supplies, parts, and accessories shall be based upon the currently published dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories currently offered for sale by the franchisor and originally acquired from the franchisor or the predecessor franchisee as a part of the franchisee's initial inventory, and all such supplies, parts, and accessories shall be currently identifiable and labeled and in the original packaging or a comparable substitute for the original packaging".

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 516. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 443. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 ninth grade students and teacher from Lefler Jr. High School, Lincoln; members of the Extension Group from Washington County; 80 high school students and teachers from Westside School, Omaha; and 15 students and teacher from Kearney State College.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 22, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 1989

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. Lindsay and Schmit who were excused; and Messrs. Abboud, Coordsen, Haberman, Hall, R. Johnson, Moore, Wehrbein, Mmes. Beck, Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 48, 158A, 277A, and 298.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 298

The following changes, required to be reported for publication in the Journal, have been made:
ER6120

1. In the Barrett amendment, AM0343:

a. On page 1, line 18, the comma has been struck,

b. On page 2, line 1, "is" has been inserted after "but".

2. On page 1, line 4, "to provide for the negotiation of rates as prescribed; to provide other methods for publication of legal notice;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARING
Transportation

LR 27	Monday, March 6, 1989	1:30 p.m.
LR 28	Monday, March 6, 1989	1:30 p.m.

(Signed) Howard Lamb, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 31.

RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Beyer, 3rd District.

WHEREAS, the Elkhorn High School wrestling team, the Antlers, won the Class B state wrestling title on Saturday, February 18, 1989; and

WHEREAS, the Antlers have displayed excellent athletic skill, competitive team spirit, and exceptional sportsmanship; and

WHEREAS, the team members and Coach Jerry Frerichs are deserving of special recognition for their victory.

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

1. That the members of the Legislature commend and congratulate the Elkhorn Antlers and Coach Frerichs.

2. That a copy of this resolution be sent to Coach Jerry Frerichs and the team.

Laid over.

MESSAGE FROM THE GOVERNOR

February 21, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 56, 127, 167, 184, 185, 366, 195, and 165 were received in my office on February 16, 1989.

These bills were signed by me on February 21, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 732. Placed on General File as amended.
Standing Committee amendment to LB 732:
AM0286

1. Strike the original sections and insert the following new sections:

"Section 1. (1) In addition to finding a person to be a mentally ill dangerous person and to prevent the harm described in section 83-1009, a person may also be adjudged in need of board-ordered treatment and placed in an appropriate facility if, after the hearing prescribed in section 83-1035, the mental health board determines based upon clear and convincing evidence that:

(a) The person is suffering from a severe

mental disorder;

(b) There is a reasonable prospect that such person's disorder is treatable at or through the facility to which he or she is to be committed, and such commitment would be consistent with the least restrictive alternative;

(c) The person refuses or is unable to consent to voluntary admission for treatment;

(d) The person lacks the capacity to make an informed decision concerning treatment; and

(e) As the result of the severe disorder, the person is likely to suffer substantial mental or physical deterioration.

(2) For purposes of this section:

(a) Consistent with the least restrictive alternative shall mean that (i) a patient committed solely on the ground that he or she is likely to cause harm to himself or herself or to suffer substantial mental or physical deterioration shall be placed in the most appropriate and therapeutic available setting, where treatment provides the patient with a realistic opportunity to improve, and which is no more restrictive of his or her physical or social liberties than is believed conducive to the most effective treatment for the patient and (ii) a patient committed solely or in part on the ground that he or she is likely to cause harm to others shall be placed in a setting in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment;

(b) Lacks capacity to make an informed decision concerning treatment shall mean that the person, by reason of his or her mental disorder or condition, is unable to understand the nature and effects of hospitalization or treatment or is unable to engage in a rational decisionmaking process regarding such hospitalization or treatment as evidenced by his or her inability to weigh the possible risks and benefits despite conscientious efforts at explanation;

(c) Likely to suffer substantial mental or physical deterioration shall mean that, as evidenced by recent behavior, the person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and such distress is

associated with significant impairment of judgment, reason, or behavior causing a substantial deterioration of his or her previous ability to function on his or her own; and

(d) Severe mental disorder shall mean an illness, disease, organic brain disorder, or other condition which (i) substantially impairs the person's thought, perception of reality, emotional process, or judgment or (ii) substantially impairs behavior as manifested by recent disturbed behavior.

Sec. 2. That section 83-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1002. For ~~the~~ purposes of ~~this act~~ the Nebraska Mental Health Commitment Act, unless the context otherwise requires, the definitions found in sections 83-1003 to 83-1015 shall be used.

Sec. 3. That section 83-1078, Revised Statutes Supplement, 1988, be amended to read as follows:

83-1078. ~~This act~~ Sections 83-1001 to 83-1078 and section 1 of this act shall be known and may be cited as the Nebraska Mental Health Commitment Act.

Sec. 4. That original section 83-1002, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988, are repealed.".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 183. Title read. Considered.

Standing Committee amendments, AM0145, found in the Journal on page 537 for the Nineteenth Day, were considered.

SPEAKER BARRETT PRESIDING

Mr. Baack offered the following amendment to the pending Standing Committee amendments:
AM0502
(Amendments to Standing Committee amendments, AM0145)

1. On page 7, line 20, after the second

semicolon insert "in line 18 after the period insert 'The application shall set forth in detail the substantial educational opportunity available to the option student in the option district that is unavailable in the resident school district.';".

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baack amendment was adopted with 23 ayes, 0 nays, 17 present and not voting, and 9 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack offered the following amendment to the pending Standing Committee amendments:
AM0501

1. In the Standing Committee amendments, AM0145:

a. On page 1, strike beginning with the comma in line 7 through "association" in line 11; and in line 21 after "student" insert ", including option students who are handicapped,";

b. On page 2, line 13, after the period insert "For each option student who is handicapped, the resident school district shall submit to the option district the difference between the total cost for the education of the handicapped student and the option district's per pupil cost. The difference shall be submitted in three equal payments prior to or on October 15, February 15, and June 15."; and

c. On page 8, line 13, after the semicolon insert "and"; and strike beginning with the semicolon in line 16 through the last quotation mark in line 17.

2. Strike original sections 8 and 16 and insert the following new sections:

"Sec. 4. For the school year 1990-91, participation in the enrollment option program shall be voluntary and shall be agreed upon by both the resident school district and the option district.

For the school year 1991-92, participation in the enrollment option program shall be voluntary on the part of the option district. The resident school

district shall be required to participate in the program unless more than five percent of the students choose to attend option districts, at which time the resident school district may choose not to participate further in the program.

For the school year 1992-93, participation in the enrollment option program shall be voluntary on the part of the option district. The resident school district shall be required to participate in the program unless more than ten percent of the students choose to attend option districts, at which time the resident school district may choose not to participate further in the program.

Beginning with the 1993-94 school year, the enrollment option program shall be implemented by all public school districts.

Sec. 5. The enrollment option program shall not preclude a school district from contracting with other school districts, educational service units, or other state-approved entities for the provision of services.

Sec. 10. Sections 79-490 and 79-3322 shall not apply to the transportation of an option student. The parent or guardian of the option student shall be responsible for required transportation. School districts may upon mutual agreement of both parties provide transportation to the option student.".

3. On page 5, line 9, after "building" insert "or the availability of appropriate special education programs"; and strike beginning with "Within" in line 23 through "application" in line 24 and insert "On or before April 1".

4. On page 7, line 25, strike "option" and insert "resident school".

5. On page 8, strike beginning with "The" in line 2 through the period in line 4.

6. On page 10, in lines 7 and 8 strike the new matter; and in line 11 after the period insert "Resident school districts may also provide special education through option districts.".

7. On page 13, line 3, after the first comma insert "and" and strike "and 79-3332,".

8. Renumber the remaining sections and correct internal references accordingly.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Goodrich's birthday.

GENERAL FILE

LEGISLATIVE BILL 183. The pending Baack amendment, AM0501, found in this day's Journal, was renewed.

Mr. Lamb requested a division of the question on the Baack amendment.

The Chair sustained the division of the question.

The first Baack amendment, to the Standing Committee amendments, is as follows:

FA41

1. In the Standing Committee amendments, AM0145:

a. On page 1, strike beginning with the comma in line 7 through "association" in line 11; and in line 21 after "student" insert ", including option students who are handicapped,";

b. On page 2, line 13, after the period insert "For each option student who is handicapped, the resident school district shall submit to the option district the difference between the total cost for the education of the handicapped student and the option district's per pupil cost. The difference shall be submitted in three equal payments prior to or on October 15, February 15, and June 15."; and

c. On page 8, line 13, after the semicolon insert "and"; and strike beginning with the semicolon in line 16 through the last quotation mark in line 17.

2. Strike original sections 8 and 16 and insert the following new sections:

"Sec. 4. For the school year 1990-91, participation in the enrollment option program shall be voluntary and shall be agreed upon by both the resident school district and the option district.

Sec. 5. The enrollment option program shall

not preclude a school district from contracting with other school districts, educational service units, or other state-approved entities for the provision of services.

Sec. 10. Sections 79-490 and 79-3322 shall not apply to the transportation of an option student. The parent or guardian of the option student shall be responsible for required transportation. School districts may upon mutual agreement of both parties provide transportation to the option student.".

3. On page 5, line 9, after "building" insert "or the availability of appropriate special education programs"; and strike beginning with "Within" in line 23 through "application" in line 24 and insert "On or before April 1".

4. On page 7, line 25, strike "option" and insert "resident school".

5. On page 8, strike beginning with "The" in line 2 through the period in line 4.

6. On page 10, in lines 7 and 8 strike the new matter; and in line 11 after the period insert "Resident school districts may also provide special education through option districts.".

7. On page 13, line 3, after the first comma insert "and" and strike "and 79-3332,".

8. Renumber the remaining sections and correct internal references accordingly.

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.

The first Baack amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

The second Baack amendment, to the Standing Committee amendments, is as follows:

FA42

For the school year 1991-92, participation in the enrollment option program shall be voluntary on the part of the option district. The resident school district shall be required to participate in the program

unless more than five percent of the students choose to attend option districts, at which time the resident school district may choose not to participate further in the program.

For the school year 1992-93, participation in the enrollment option program shall be voluntary on the part of the option district. The resident school district shall be required to participate in the program unless more than ten percent of the students choose to attend option districts, at which time the resident school district may choose not to participate further in the program.

Beginning with the 1993-94 school year, the enrollment option program shall be implemented by all public school districts.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The second Baack amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack offered the following amendment to the Standing Committee amendments:
AM0503
(Amendments to Standing Committee amendments, AM0145)

1. On page 8, line 3, after the first comma insert "line 9, after the period insert 'The school board of the option district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity.'; in" and strike the second comma.

The Baack amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Baack offered the following amendment to the Standing Committee amendments:
AM0505
(Amendments to Standing Committee amendments, AM0145)

1. On page 8, line 3, after the first comma insert "line 4, after 'parent' insert 'but the school assignment of the option student shall be determined by the option school district'; in" and strike the second comma.

The Baack amendment was adopted with 20 ayes, 0 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Baack offered the following amendment to the Standing Committee amendments:

AM0504

(Amendments to Standing Committee amendments, AM0145)

1. On page 7, line 20, after the second semicolon insert "in line 16 after 'district' insert 'and of the resident school district';"; and in line 21 after "23" insert "after 'district' insert 'and the resident school district';" and after the last quotation mark insert a comma.

2. On page 8, line 3, after the first comma insert "strike beginning with 'A' in line 1 through the period in line 3; and in" and strike the second comma.

The Baack amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Baack offered the following amendment to the Standing Committee amendments:

AM0506

(Amendments to Standing Committee amendments, AM0145)

1. Insert the following new amendment:

"5. On page 6, line 7, after 'Act' insert 'and shall determine whether the procedures of sections 1 to 14 of this act have been followed' ".

2. Renumber remaining amendments accordingly.

The Baack amendment was adopted with 19 ayes, 0 nays, 24 present and not voting, and 6 excused and not voting.

Mr. Lamb renewed his pending amendment (1), AM0294, found in the Journal on page 813.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb withdrew his pending amendment (1), AM0294.

Mr. Lamb renewed his pending amendment (2), AM0472, found in the Journal on page 813.

Pending.

Mr. Dierks moved to bracket LB 183 until January 15, 1990.

Mr. Korshoj and Mrs. Labedz 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 26 ayes, 0 nays, and 23 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Dierks requested a roll call vote on his motion to bracket.

Voting in the affirmative, 12:

Beck	Dierks	Hefner	Lamb	Robak
Beyer	Goodrich	Korshoj	Peterson	Schellpeper
Coordsen	Haberman			

Voting in the negative, 32:

Ashford	Chizek	Johnson, L.	Morrissey	Smith
Baack	Conway	Kristensen	Nelson	Warner
Barrett	Crosby	Landis	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Langford	Rogers	Weihing
	Hall	Lynch	Schimek	Wesely
Byars	Hannibal	McFarland	Scofield	Withem
Chambers	Hartnett	Moore		

Excused and not voting, 5:

Abboud	Johnson, R.	Labedz	Lindsay	Schmit

The Dierks motion to bracket lost with 12 ayes, 32 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 61, 176, 312A, 327, 349, 412, 416, and 502.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 312A

The following changes, required to be reported for publication in the Journal, have been made:
ER6122

1. On page 1, line 1, "and reappropriate" has been inserted after "appropriate".

2. On page 2, line 14, ", to aid in carrying out the provisions of Legislative Bill 312, Ninety-first Legislature, First Session, 1989" has been inserted after "1990".

Enrollment and Review Change to LB 327

The following changes, required to be reported for publication in the Journal, have been made:
ER6121

1. On page 3, line 2, an underscored period has been inserted after "candidacy"; the matter beginning with "as" in line 3 through "(1)" in line 4 has been struck; and in line 25 "(2)" has been struck.

Enrollment and Review Change to LB 416

The following changes, required to be reported for publication in the Journal, have been made:
ER6123

1. On page 4, line 3, "metropolitan-" has been struck, shown as stricken, and "metropolitan-class" inserted.

(Signed) Mary E. Sommermeyer

E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

AM0490
(Amendments to the Standing Committee amendments AM0326)

1. On page 2, line 7, after "all" insert "subclasses within each"; in line 8 strike "categories" and insert "category"; and in lines 10, 11, and 15 strike "factor" and insert "factors".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM0514

1. Strike original section 3 and insert the following new section:

"Sec. 3. A person enrolled or accepted for enrollment in an accredited postsecondary nursing program in the State of Nebraska may be awarded a financial incentive up to five hundred dollars upon application to the institution in which the student is enrolled or accepted for enrollment.

(1) To be eligible for the financial incentive provided for in this section, the student shall have (a) enrolled or been accepted for enrollment as a first-year nursing student during academic year 1989-1990, 1990-1991, or 1991-1992, (b) verified successful completion of one academic year or the equivalent of thirty semester credit hours of college nursing credits, (c) substantial financial need.

(2) Each institution may apply to the State Department of Education for the incentive by sending an official transcript of each student who qualifies for the incentive. Each student may receive not more than five hundred dollars upon each qualified application. Such incentives shall be apportioned by the department according to the total number of students who qualify for the incentive in this section.

(3) Substantial financial need shall mean the difference between the student's available financial

resources, including those available from a parent or parents, a guardian, or the spouse, and the student's educational expenses while attending the postsecondary educational institution, taking into account the following:

(a) In determining whether a dependent student has substantial financial need, such factors as serious family illness, the number of dependent children of the student's parents, the number of such dependent children attending institutions of higher learning, and such other factors as may affect the ability of the student and his or her parents to contribute to the cost of the student's education shall be considered; and

(b) In determining whether an independent or self-supporting student has substantial financial need, such factors as serious illness in the student's family, the number of dependent children of the student, the number of such dependent children attending institutions of higher education, and such other circumstances as may affect the ability of the student or his or her spouse to contribute toward the cost of the student's education shall be considered.".

2. On page 4, line 21, after "appropriations" insert "up to and not to exceed five hundred thousand dollars each year".

ANNOUNCEMENT

Mr. Warner announced the following changes in hearing rooms for the Appropriations Committee:

Legislative Bills 303 and 309, scheduled for hearing at 6:00 p.m. on March 1, 1989, will be heard in Room 1520 of the State Capitol and;

Legislative Bills 468 and 735, scheduled for hearing at 1:30 p.m. March 3, 1989, will be heard in the East Senate Chambers.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 339. Placed on General File as amended.
Standing Committee amendment to LB 339:
AM0496

1. On page 2, line 17, strike "1958" and insert "1968".

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendments to LB 730:
AM0493

1. Insert the following new section:

"Section 1. That section 14-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1005. (1) Any vacancy occurring in the board of directors shall be filled for the unexpired term by the remaining members thereof within thirty days after the vacancy ~~shall occur~~ occurs. It is the intent and purpose, but not the inducement, of sections 14-1001 to 14-1032~~,~~ to render the board of directors nonpartisan in character.

(2) Before entering upon their offices, members of the board of directors shall give bond for the faithful performance of their duties in the amount of five thousand dollars each, which bond must be filed with the secretary of the metropolitan water district and be approved by the board of directors~~,~~ or by a judge of the district court of the judicial district which includes a ~~including the metropolitan~~ city~~,~~ of the metropolitan class before the day fixed for assuming the duties of office.

(3) The chairperson of the board of directors of a metropolitan water district or a metropolitan utilities district shall be paid, as compensation for his or her services, not to exceed the sum of ~~six~~ nine hundred dollars per month. Each of the other members of the board of directors shall be paid, as compensation for his or her services, not to exceed the sum of ~~five~~ eight hundred dollars per month. Any adjustments in compensation shall be made only at regular meetings of the board of directors, and the salaries of the chairperson and other members of such board shall not be increased more often than once in any calendar year.

(4) The chairperson and other members of such board of directors shall also be reimbursed for actual and necessary expenses incurred in the performance of their official duties.".

2. On page 2, line 12, strike "three thousand six", show as stricken, and insert "four thousand

eight"; and in line 14 strike "four thousand two", show as stricken, and insert "five thousand four".

3. On page 3, line 24, strike "section" and insert "sections 14-1005 and"; and in line 25 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

Urban Affairs

LEGISLATIVE BILL 444. Placed on General File as amended.
Standing Committee amendments to LB 444:
AM0344

1. On page 2, line 9, strike "Any" and insert "Notwithstanding the provisions of any home rule charter to the contrary, any"; and in line 14 before the period insert "for any term of years deemed necessary or advisable by such city or village".

2. On page 3, line 20, strike "The" and insert "However, the"; and in line 23 before the period insert "and may establish the city council or board of trustees as the museum board without regard to the requirements for terms and numbers of members on the board set forth in this section".

3. On page 4, line 10, strike "shall" and insert "may"; and in line 11 strike "when" and insert "as set forth in" and after "contract" insert "which".

4. On page 5, line 10, strike "which has contracted" and insert "set forth in a contract".

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 482. Placed on General File.

LEGISLATIVE BILL 64. Indefinitely postponed.
LEGISLATIVE BILL 559. Indefinitely postponed.
LEGISLATIVE BILL 782. Indefinitely postponed.

(Signed) Dave Landis, Chairperson

General Affairs

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendments to LB 371:
AM0451

1. Insert the following new section:

"Sec. 6. Control of a wholesaler's business shall mean that combination of ownership interests which legally or in practical effect has the power to determine the policies under which the wholesaler's business shall be operated and shall include, but not be limited to, any change of ownership of twenty-five percent or more interest in the wholesaler's business or any change in the form of business entity being utilized by wholesaler, including, but not limited to, a change from a sole proprietorship to a corporation.".

2. On page 2, lines 1 and 19, strike "22" and insert "23"; and in line 20 strike "14" and insert "15".

3. On page 5, line 22, after "the" insert "wholesaler's".

4. On page 6, line 15; page 8, line 24; page 17, line 7; page 19, line 4; page 25, line 4; page 28, lines 14 and 20; and page 29, line 13, strike "22" and insert "23".

5. On page 7, line 2, strike "17 and 19" and insert "18 and 21".

6. On page 13, lines 4, 9, and 19 strike "22" and insert "23"; and in line 6 strike "17 and 19" and insert "18 and 21".

7. On page 24, line 25, strike "17 or 18" and insert "18 or 19".

8. Renumber the remaining sections accordingly.

(Signed) Jacklyn Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 368 Wednesday, March 15, 1989 (cancelled) 1:30 p.m.

(Signed) Jerry Chizek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 34. Introduced by Weihing, 48th District.

WHEREAS, the Scottsbluff High School Wrestling Team won the 1989 Class A state wrestling team title; and

WHEREAS, the Scottsbluff High School Wrestling Team claimed their first Class A state wrestling team title since 1968; and

WHEREAS, the Scottsbluff High School Wrestling Team won the state team title through hard work, dedication, and athletic excellence.

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

1. That the Nebraska Legislature sends its congratulations to the wrestling team and to the coach, Mr. Ed Hagerman.

2. That the Nebraska Legislature recognizes the hard work, dedication, and effort that went into achieving the Class A state wrestling team title.

3. That the Nebraska Legislature expresses its pride in the young men who are members of the wrestling team and wishes them continued success.

4. That a copy of this resolution be mailed to the Scottsbluff High School Wrestling Team.

Laid over.

LEGISLATIVE RESOLUTION 35. Introduced by Rogers, 41st District.

WHEREAS, the village of Dannebrog was founded in the 1880's by Danish immigrants; and

WHEREAS, the name Dannebrog means Dane's Cloth and refers to the Danish flag; and

WHEREAS, the Danish flag still flies each day over Dannebrog's main street and the cafe serves rullepolse and kale soup; and

WHEREAS, each year the village of Dannebrog celebrates its Danish heritage during Grundlovs Fest on June 5 which commemorates Danish independence; and

WHEREAS, Grundlovs Fest will be held on June 3 and 4, 1989, and will include a parade, ice cream social, Danish smorgasbord, dance, and many other activities.

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

1. That Dannebrog, located in Howard County on a sheltered bend of Oak Creek only a mile from the beautiful Loup River, be declared the Danish Capital of Nebraska.

2. That a copy of this resolution be sent to the Dannebrog Area Booster Club in care of Mrs. Shirley Johnson, Promotional Director, Dannebrog, NE 68831.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM0517

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Nursing Incentive Act.

Sec. 2. The Legislature hereby finds and declares that there is a current and projected future shortage of nurses in the State of Nebraska and that it is imperative to the welfare of the state that the number of nurses be increased due to the vital role nurses play in providing quality health care. The Legislature further finds and declares that there are serious problems with recruitment and retention of nurses in rural areas and that the state can help alleviate the problem of maldistribution and shortage of nurses through financial incentives for students to study nursing and practice nursing in the State of Nebraska following completion of their education.

Sec. 3. The purposes of the Nursing Incentive Act shall be: (1) To establish incentives for persons who obtain their nursing education and practice nursing in the state; (2) to provide for the repayment of educational expenses for nursing students who agree to practice in the State of Nebraska; and (3) to ensure an adequate supply of nurses.

Sec. 4. For purposes of the Nursing Incentive Act:

(1) Department shall mean the Department of Health;

(2) Financial need shall mean the difference between the student's financial resources available, including those available from parents, a guardian, or a spouse, and the student's educational expenses while attending the postsecondary institution. In determining whether a dependent student has financial need, such factors as serious family illness, the number of dependent children of the student's parents, the number of such dependent children attending institutions of higher learning, and such other factors as may affect the ability of the student and his or her parents to contribute to the cost of the student's education shall be considered. In determining whether an independent or self-supporting student has financial need, such factors as any serious illness in the student's family, the number of dependent children of the student, the number of such dependent children attending institutions of higher education, and such other factors as may affect the ability of the student or spouse to contribute toward the cost of the student's education shall be considered;

(3) Full-time practice of nursing shall mean being engaged in the practice of nursing at least one thousand five hundred hours in one year;

(4) Practice of nursing shall be as defined in section 71-1,132.05; and

(5) Rural area shall mean the area included within the boundaries of any county having a population of fifty thousand inhabitants or fewer.

Sec. 5. A person enrolled or accepted for enrollment in an accredited postsecondary nursing program in the State of Nebraska may enter into a nursing incentive agreement. Students shall be selected upon application to the institution in which the student is enrolled or accepted for enrollment on the basis of greatest financial need. Selections shall be made by the institution. Such agreement shall provide that the student agrees to study at an accredited postsecondary nursing program in the State of Nebraska and to engage in the practice of nursing in the State of Nebraska upon completion of the course of his or her studies. The agreement shall also provide that the student will be

reimbursed for the cost of nursing education for each year in which the student is engaged in the study of nursing in an amount not to exceed two thousand dollars per year for a full-time student and in an amount not to exceed one thousand dollars per year for a part-time student. The agreement shall provide that the state shall have no responsibility for reimbursement if the student does not practice nursing in the State of Nebraska as provided by the agreement.

Reimbursement shall be made at the end of each year in which the person is engaged in the full-time practice of nursing in the State of Nebraska and shall be repaid to the person or institution providing a loan or other funds. Reimbursement shall be made upon application to the department and shall be approved on the basis of proof of the full-time practice of nursing in that year. Reimbursement shall not be made for more than four years of study regardless of the amount of time engaged in the study of nursing.

Sec. 6. A person enrolled or accepted for enrollment in an accredited postsecondary nursing program in the State of Nebraska may also enter into an agreement to practice nursing in a rural area pursuant to this section. A student who agrees to practice in a rural area shall be eligible to receive a payment of one thousand dollars for each year he or she is a full-time student or a payment of five hundred dollars for each year he or she is a part-time student engaged in the study of nursing in the nursing program. A person may be eligible for a rural nursing incentive payment whether or not he or she otherwise participates in any other program or incentive provided by the Nursing Incentive Act. Such rural nursing incentive payment shall be made only upon proof of the full-time practice of nursing in a rural area and for at most four years of study.

Sec. 7. Agreements for nursing incentives under section 5 of this act shall be limited to no more than one hundred new students per year. Agreements for rural nursing incentives under section 6 of this act shall be limited to no more than fifty new students per year. The amount of General Funds appropriated each fiscal year for the nursing programs described in sections 5 and 6 of this act shall not exceed four

hundred thousand dollars. To the extent possible, the Nursing Incentive Act shall be administered so that students at all nursing programs described in sections 5 and 6 of this act shall have access to the funds provided which shall be relatively proportional to the enrollment in such nursing programs. At least five positions shall be reserved for students seeking postgraduate degrees in nursing per year, and no more than fifteen positions shall be for part-time students per year. If there are not sufficient applications from students in any such nursing program, applications shall be accepted from students in the other nursing programs on a first-come, first-served basis until the maximum number of agreements permitted by this section have been signed.

Sec. 8. The Nursing Incentive Fund is hereby created. The fund shall be administered by the department to carry out the purposes of the Nursing Incentive Act. The initial appropriation by the Legislature to such fund shall be sufficient to allow nursing student agreements described in sections 5 and 6 of this act to be signed for the 1989-1990 school year and loan reimbursement or payments to commence in 1991. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 9. The department shall hire personnel and adopt and promulgate rules and regulations necessary to carry out the Nursing Incentive Act.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

VISITORS

Visitors to the Chamber were 15 students and teacher from Grand Island, 1-R School; 20 students and teacher from Wayne State College; Rick Onnen from Hebron; 50 students and teachers from Omaha Burke High School; Leonard H. Thurman, George E. Pascoe, and Dick Woita from Fremont; Jim Hespin from Schuyler; Kenneth Knolles from North Platte; Bob Dwyer from Ayr and Roger Schunk from Hastings; and 42 seniors and teachers from Wisner-Pilger.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 23, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Charles Richardson, First United Methodist Church, North Platte, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Abboud, Ashford, Chambers, Conway, R. Johnson, Kristensen, Lamb, Lindsay, McFarland, Moore, Rogers, Wehrbein, Withem, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 527. Placed on General File.

LEGISLATIVE BILL 271. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 89010

DATE: February 21, 1989

SUBJECT: Whether the Protocol Office would be an Executive Office of the State -- LB177

REQUESTED BY: Senator Scott Moore
Legislative District No. 24

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired whether the Protocol Office which LB177 proposes to create would be an executive office pursuant to Article IV, Section 27 of the Constitution of the State of Nebraska and would thus require a two-thirds majority vote for creation. It is our determination that the proposed Protocol Office would not be an executive office as intended by the above referenced section of the State Constitution.

The Nebraska Supreme Court, on several occasions, has addressed the issue of what constitutes an Executive Office as intended in Article IV, Section 27 of the Constitution of the State of Nebraska. In State v. Marsh, 146 Neb. 750, 21 N.W.2d 503 (1946), the Nebraska Supreme Court found that the Department of Agriculture was an executive department within the meaning of the State Constitution. The court determined in Marsh that an executive office is one the duties of which are mainly to cause the laws to be executed. The court cited several laws which the Department of Agriculture had the power and duty to enforce.

In State v. Chase, 147 Neb. 758, 25 N.W.2d 1 (1946), the Court determined that the Nebraska Liquor Commission was not an executive office since it was not charged with the actual execution and enforcement of laws. The court stated:

> . . . One of very important tests is that the department, if executive, has primarily to do with the political government of the state in the execution and enforcement of the law wherein the Governor is the supreme executive head.

147 Neb. at 777-778.

In Mekota v. State Board of Equalization and Assessment, 146 Neb. 370, 19 N.W.2d 633 (1945), the court held that the "Department of Industrial Development" had been defectively established in that

it had not received the requisite two-thirds majority required to establish a new executive department. In so holding the court cited to State v. Loechner, 65 Neb. 814, 91 N.W. 874,

> In State v. Loechner, supra, the following appears: "Ministerial offices, it is said, are those which give the officer no power to judge of the matter to be done, and which require him to obey some superior. An executive officer, in the proper sense of the term, is one whose duties are mainly to cause the laws to be executed; such as the president, the governor of a state, or the chief executive officer of a city. It pertains to the execution and enforcement of the laws by one charged with that particular duty.

146 Neb. at 382.

Further, in Sommerville v. Johnson, et al., 149 Neb. 167, 30 N.W.2d 167, (1948), the Supreme Court held that the agency created by the Merit System Act was not an executive office. The reading of the opinion in that case demonstrates that the court was influenced in reaching its conclusion by the fact that the Merit System Organization was not vested with authority to administer or enforce any laws other than the law by which the agency was created. The following language appears in the opinion:

> It is evident that the Legislature here established an agency in the nature of a Civil Service Commission. It created a council to guide and direct the administration of the act . . . it is intended to promote efficiency, economy, and equality . . . in the participating agencies. It depends in part upon cooperative effort between the council, the director, and the participating agencies. It administers no law save the law by which it was created . . . it executes none of the laws of the state so far as they relate to the people generally. We think it quite clear that it does not create an executive department nor an executive state office within the meaning of the Constitutional provisions herein discussed.

In each of the Supreme Court decisions mentioned above, it appears that the one common controlling factor upon which the court relied in reaching its conclusion was whether or not the agency in question was empowered to administer and enforce pertinent general laws of the state. It appears from a reading of LB177 that the Protocol Office is intended to function in a coordinating or liaison capacity. The office is given no power to enforce the general laws of the state nor even the power to promulgate rules and regulations. It is clear from a reading of LB177 as introduced that the Protocol Office would not be an executive office as contemplated by Article IV, Section 27 of the state constitution. Therefore, a simple majority vote of the Legislature would be sufficient to create the office.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-117-3

RESOLUTIONS

LEGISLATIVE RESOLUTION 36. Introduced by Abboud, 12th District.

WHEREAS, Todd K. Hauptman, on February 18, 1989, in Omaha, Nebraska, witnessed an automobile accident where one of the cars exploded and burst into flames with three persons inside; and

WHEREAS, in order to rescue the three accident victims from the burning car, Todd K. Hauptman placed his life in danger by reaching into the flames and smoke and pulling all three victims from the car; and

WHEREAS, Todd K. Hauptman sustained burns to his right hand and was treated for smoke inhalation; and

WHEREAS, the total disregard for his own personal safety to save the lives of others was an outstanding act of heroism.

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

1. That the Nebraska Legislature recognizes and congratulates Todd K. Hauptman on his quick thinking and acts of bravery in rescuing the accident victims.

2. That a copy of this resolution be sent to Todd K. Hauptman, 9946 T Plaza, Omaha, Nebraska 68127.

Laid over.

LEGISLATIVE RESOLUTION 32. Read. Considered.

LR 32 was adopted with 23 ayes, 0 nays, and 26 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 342. With Emergency.

A BILL FOR AN ACT relating to osteopathic medicine; to amend sections 21-2202, 44-513, 44-3103, 71-112.01, 71-139, 71-174, 71-178, 71-1,103, 71-1,105, 71-1,107.01, 71-1,107.06, 71-1,132.05, 71-1,132.06, 71-1,137, 71-1,138, 71-1,139, 71-1,139.01, 71-1,140, 71-1,141, 71-1,240, 71-2601, 71-3506, 71-5402, 71-5855, 81-642, 81-646, and 81-648, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-107, 71-110, 71-111, 71-112, 71-131, 71-162, 71-1,279, 71-2017.01, 71-2802, 71-3503, 71-3505, and 71-3508, Revised Statutes Supplement, 1988; to redefine the practice of osteopathic medicine; to change certain license requirements; to change a provision relating to the scope of practice; 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	Chizek	Hannibal	Lindsay	Schellpeper
Ashford	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, L.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Labedz	Peterson	Weihing
	Goodrich	Lamb	Pirsch	Wesely
Beyer	Haberman	Landis	Robak	Withem
Byars	Hall	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Chambers	Kristensen	Rogers	Schmit	Wehrbein
Johnson, R.	Moore			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 114. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2802, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to operation of all-terrain vehicles; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chizek	Hannibal	Lindsay	Schellpeper
Ashford	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, L.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Labedz	Peterson	Weihing
Beyer	Goodrich	Lamb	Pirsch	Wesely
Byars	Haberman	Landis	Robak	Withem
	Hall	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Chambers	Kristensen	Rogers	Schmit	Wehrbein
Johnson, R.	Moore			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 221.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-4214, 2-4724, 58-240, 58-320, 58-413, and 77-2341, Reissue Revised Statutes of Nebraska, 1943; to change permissible types of investments for governmental subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chizek	Hannibal	Lindsay	Schellpeper
Ashford	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, L.	Moore	Smith
Beck	Dierks	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Labedz	Nelson	Weihing
	Goodrich	Lamb	Peterson	Wesely
Beyer	Haberman	Landis	Pirsch	Withem
Byars	Hall	Langford	Robak	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Kristensen	Rogers	Schmit	Wehrbein
Johnson, R.				

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: 221, 114, and 342.

NOTICE OF COMMITTEE HEARING
Education

LB 188 Tuesday, March 14, 1989 1:30 p.m.

Governor Appointment Monday, March 6, 1989 1:15 p.m.
Demarus Carlson - Educational Lands and Funds Board

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 361. Title read. Considered.

Standing Committee amendments, AM0326, found in the Journal on page 700 for the Twenty-Sixth Day, were considered.

Mr. Landis renewed his pending amendment, AM0490, found in the Journal on page 830, to the Standing Committee amendments.

The Landis amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Landis and Wehrbein withdrew their pending amendment, AM0004, found in the Journal on page 196.

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.

Advanced to E & R for Review with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 361A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

PROPOSED RULE CHANGE

Mr. Wesely offered the following proposed rule change:
Amend Rule 5, Section 4(a)

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. Any member may request to have his or her name added as co-introducer of a bill but only if the principal introducer has concurred, in writing, to that request.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 272. Placed on General File as amended.
Standing Committee amendments to LB 272:
AM0535

1. Strike original section 2.
2. On page 6, line 9, strike "sections 45-101.04 and" and insert "section 45-101.04"; and in line 10 strike "45-190" and strike "are" and insert "is".
3. Renumber remaining section accordingly.

LEGISLATIVE BILL 544. Placed on General File as amended.
Standing Committee amendment to LB 544:
AM0534

1. On page 3, strike lines 5 through 14.

LEGISLATIVE BILL 577. Placed on General File as amended.
Standing Committee amendments to LB 577:
AM0433

1. Insert the following new sections:

"Section 1. That section 50-419, Reissue Revised Statutes of Nebraska, 1943, 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 of the Legislature. 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~~ Legislative 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, 1990, and each December 15 thereafter containing annual and cumulative estimated tax credits and revenue receipts related to the Venture Capital Company Act. The report shall state the tax credits applied for under the act, the tax credits earned, the tax credits used to reduce income tax liability, and an estimate of the sales and use taxes and income taxes generated due to the actual creation of jobs and investment as a result of the act. The report shall present such information in groups aggregated to contain ten or more taxpayers receiving benefits under the act.

(7) The information necessary to prepare the report 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. 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 prepare an annual analysis, based upon information provided by the Legislative Fiscal Analyst and any other relevant sources, of the cost-effectiveness of projects under the Venture Capital Company Act. In preparing the analysis, consideration shall be given to job growth, retention, and reduction, wages, expansion of capital investment, and such other factors as may be relevant. The committee may contract for the preparation of the analysis.".

2. On page 3, line 5, strike "6" and insert "8".

3. On page 6, line 13; page 9, line 24; page 11, line 18; page 18, line 2; page 20, line 12; page 25, line 18; page 28, line 1; and page 29, line 13, strike "13" and insert "15".

4. On page 16, line 25, after "source" insert ", with proceeds from the sale of tax credits, and".

5. On page 23, line 6, strike "9 to 19" and insert "11 to 21".

6. On page 25, line 13, strike "twenty-four" and insert "twenty".

7. On page 27, line 3, strike "1995" and insert "1994"; in line 8 strike "12" and insert "14"; and after line 24 insert the following new subsection:

"(4) Pending certification, a venture capital company shall escrow the total amount of funds received from investors.".

8. On page 28, line 2, strike the colon and insert "comply with the requirements for certification

specified by the venture capital company in cooperation with the department."; and strike lines 3 through 10.

9. On page 29, line 3, strike "12" and insert "14".

10. On page 30, line 16, strike "14" and insert "16".

11. On page 31, line 16, strike "12" and insert "14"; and in line 17 strike "previously".

12. On page 32, line 1, strike the colon; in line 2 strike "(a) At" and insert "at"; in line 4 strike "; or" and insert an underscored period; and strike lines 5 through 13.

13. On page 34, line 17, strike "12" and insert "14".

14. On page 35, line 17, strike "12" and insert "14"; in line 18 after "sections" insert "50-419, 50-702,"; and strike beginning with "and" in line 21 through the last comma in line 23.

15. Renumber the remaining sections accordingly.

(Signed) Dave Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 545. Placed on General File as amended.
Standing Committee amendments to LB 545:
AM0500

1. On page 4, line 24, strike "6" and insert "7".

2. On page 5, line 3, strike "7" and insert "6"; and in line 6 strike "7" and insert "6".

3. On page 6, line 25, strike "(a)" and remove the paragraphing.

4. On page 7, strike beginning with the semicolon in line 3 through "less" in line 7; in line 9 strike "five hundred eighty-five" and insert "two hundred sixty-five"; and after line 10 insert the following new subsection:

"(9) The following land which is a part of the Norfolk Regional Center may be sold and conveyed: Irregular tract of state-owned property located in the northeast quarter of the northwest quarter of section 23, township 24 north, range 1 west, in Madison County,

Nebraska, containing eighteen and four-tenths acres, more or less, and more commonly referred to as the Norfolk Regional Center domestic water well field.".

LEGISLATIVE BILL 640. Placed on General File as amended.
Standing Committee amendments to LB 640:
AM0497

1. On page 4, strike beginning with "who" in line 12 through the period in line 14, show as stricken, and insert an underscored period.

2. On page 5, line 21, after "the" insert "reason or"; and after line 21 insert:

"In no case shall the decision of a county attorney to prosecute or not to prosecute any individual be stated on any petition as a reason for recall under subdivision (4)(c) of this section.".

3. On page 6, after line 16 insert the following new subsection:

"(6) Each petition paper shall contain the following warning which shall be placed immediately after the information required to be printed on the petition paper under subsection (4) of this section: WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person signing any name other than his or her own to this petition; knowingly signing his or her name more than once to any petition; or receiving any compensation in return for signing this petition shall be guilty of a Class I misdemeanor. Any person signing this petition knowing that he or she is not a registered voter shall be guilty of a Class IV misdemeanor."; and in line 17 strike "(6)" and insert "(7)".

4. On page 7, after line 5 insert the following new subsection:

"(8) No one shall circulate any petition paper in an attempt to gather signatures unless he or she is (a) duly registered to vote and (b) qualified by his or her place of residence to vote in a general election for the office in question.".

5. On page 8, line 8, strike "(6)" and insert "(7)".

6. On page 10, strike beginning with "In" in line 14 through line 25.

7. On page 11, strike lines 1 through "(3)" in line 8.

8. On page 13, strike beginning with the second comma in line 6 through "council" in line 9; in line 11 strike "and" and show as stricken; strike beginning with the period in line 13 through the colon in line 16, show the old matter as stricken, and insert an underscored semicolon; in line 17 strike "(a)", show as stricken, and insert "(d)"; in line 19 strike "(b)", show as stricken, and insert "(e)"; in line 22 strike "(c)", show as stricken, and insert "(f)"; and after line 23 insert the following new subsection:

"(4) If there is a vacancy of a majority or more of the members on any governing body listed in subsection (3) of this section at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State.".

(Signed) Dennis Baack, Chairperson

Transportation

LEGISLATIVE BILL 129. Placed on General File.
LEGISLATIVE BILL 695. Placed on General File.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Members Excused

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

APPROPRIATIONS COMMITTEE REPORT

Predisbursement Plan
for use of
Nebraska Energy Settlement Fund

Pursuant to RRS 81-1637, the Governor submitted a predisbursement plan for use of Nebraska Energy Settlement Fund resources to the Legislature on January 20, 1989. The plan was referred to the Appropriations Committee. A hearing was held by the Appropriations Committee on February 13, 1989 at 1:30 pm. The following persons testified at the hearing:

Huston Carlyle - Nebraska Energy Office
Bonnie Ziemann - Nebraska Energy Office
Larry Pearce - Nebraska Energy Office
George Verret - representing himself
Jerry Gallantine - Nebraska State Colleges
Bob Pazderka - University of Nebraska
Reba White Shirt - Nebraska Indian Commission
Teresia Chleborad - Nebraska Indian Commission
Elizabeth Bielawski - Winnebago Tribe of Nebraska

The Appropriations Committee submits this report to the Legislature, to be considered by the Legislature as recommendations to the Nebraska Energy Office regarding the predisbursement plan and distribution of money in the Nebraska Energy Settlement Fund.

The Legislature supports the Governor in her effort to equitably reach a broad cross-section of individuals, businesses, and political subdivisions in her plan for use of the Nebraska Energy Settlement Fund, and makes the following recommendations with the intent of assisting her in this endeavor:

1. Projects funded from the Nebraska Energy Settlement Fund should be complete within themselves, and not require any supplemental general fund support during the time period the project is operational nor assume general fund pickup of the program at some future date.

2. Projects, including the demonstration loan program, should be directed toward individuals and institutions that do not have the resources to otherwise undertake needed conservation projects.

3. Funds allocated to the general public should be allocated on a need basis regardless of the specific group's original contribution to the overcharge illegally collected.

4. Projects should be designed to recognize the fact that some political subdivisions may be fiscally unable to provide either matching funds or necessary subsequent financing. Projects should be designed to minimize the fiscal impact on such political subdivisions while maximizing the potential benefit to the political subdivisions.

5. Of the projects discussed at the hearing, the Appropriations Committee would encourage consideration by the Nebraska Energy Office of the Peru State College and Chadron State College

gasification projects as being feasible and desirable uses for a portion of the reserve funds or any funds received in the future.

6. Information regarding funded projects should be disseminated so as to ensure an adequate notice of the availability of funds to all potential target areas, particularly those potential recipients without routine access to media information sources.

(Signed) Jerome Warner, Chairperson

MOTION - Appropriations Committee Report

Mr. Warner moved that the Legislature make recommendations as provided in the Appropriations Committee report on the "Predisbursement Plan for use of Nebraska Energy Settlement Fund," printed in this day's Journal, to the State Energy Office, pursuant to RRS 81-1637(4).

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1989, at 10:00 a.m., were the following bills: 342, 114, and 221.

(Signed) Randy Tippin, Enrolling Clerk

BILL ON FIRST READING

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

LEGISLATIVE BILL 183A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 183, Ninety-first Legislature, First Session, 1989.

RESOLUTION

LEGISLATIVE RESOLUTION 37. Introduced by Korshoj, 16th District.

WHEREAS, the Tekamah-Herman High School wrestling team won the Class C State Wrestling Championship on February 18, 1989; and

WHEREAS, the Tekamah-Herman High School wrestling team won their third state championship in the last five years; and

WHEREAS, the Tekamah-Herman High School wrestling team scored an all-class record one hundred ninety-two and one-half points in winning the state championship; and

WHEREAS, the Tekamah-Herman High School wrestling team tied the Class C record of three individual champions and tied the all-class record of nine medal winners; and

WHEREAS, the accomplishments, hard work, and dedication of the coaches and wrestlers should be commended and is deserving of special recognition.

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

1. That the Nebraska Legislature extends its congratulations to the Tekamah-Herman High School wrestling team.

2. That a copy of this resolution be sent to coach Guy Mytty and to the team in recognition of their accomplishments.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 357. Considered.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson renewed her pending amendment, AM0514, found in the Journal on page 830.

The Nelson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM0517, found in the Journal on page 836.

Pending.

Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 452. Placed on General File as amended.
Standing Committee amendment to LB 452:
AM0533

1. On page 3, line 2, after "or" insert "committee by".

(Signed) Dave Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 606 in the Journal. No objections. So ordered.

AM0545

1. Insert the following new section:

"Sec. 4. This act shall apply to credit agreements entered into on or after January 1, 1990.".

2. On page 2, line 22, before "A" insert "(1)"; and in line 23 after "action" insert "or assert a defense in an action based".

3. On page 3, after line 2 insert the following new subsection:

"(2) Subsection (1) of this section shall not apply to (a) credit extended on an account as defined in section 4-104, Uniform Commercial Code, (b) loans initiated by credit card or other type of transaction card, or (c) credit agreements unless the creditor, at the time of the initial loan of money or grant or extension of credit, has given to the debtor a written notice, signed or initialed by the debtor, which contains substantially the following language: A credit agreement must be in writing to be enforceable under Nebraska law. To protect you and us from any misunderstandings or disappointments, any amendment of, cancellation of, waiver of, or substitution for any or all of the terms or provisions of any instrument or document executed in connection with this loan must be in writing to be effective."; in line 5 after the first "of" insert "subsection (1) of"; and strike beginning with "as" in line 13 through "act" in line 14.

4. Renumber the remaining section accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 312A in the Journal. No objections. So ordered.

AM0512

(Final Reading Copy)

1. Insert the follow 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 1, line 5, after "1989" insert "; and to declare an emergency".

BILL ON FIRST READING

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

LEGISLATIVE BILL 809. Introduced by Speaker Barrett, 39th District, at the request of the Governor; Hannibal, 4th District; Weihing, 48th District; Smith, 33rd District; Kristensen, 37th District; Abboud, 12th District; Beck, 8th District; Ashford, 6th District; Wehrbein, 2nd District; Moore, 24th District; Bernard-Stevens, 42nd District; Warner, 25th District; Conway, 17th District; Crosby, 29th District; Langford, 36th District; Elmer, 38th District; Byars, 30th District; Hefner, 19th District; Coordsen, 32nd District; Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-205, 77-206, 77-628, 77-1616, and 77-1716, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,158, Revised Statutes Supplement, 1988; to adopt the Property Tax Relief Trust Fund Act; to change the due date and delinquency date for the payment of personal property taxes; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LR 35. No objections. So ordered.

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LB 555 and LB 247. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 third and fourth grade students and teacher from St. John's Lutheran School, Seward; Jennifer Schizas, Sara and Randy Parks from the Nebraska Chapter of the March of Dimes; 12 students and teacher from Grand Island Senior High School; 23 eighth grade students and teacher from Osceola; members of the Y.W.C.A from Hastings and Grand Island; Jerry and Pat Roethemeyer from North Platte; and Colby Elliot from Wesleyan University.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Friday, February 24, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 24, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Scofield and Mr. Withem who were excused; and Messrs. Ashford, Chambers, Coordsen, Haberman, Hall, R. Johnson, Kristensen, Landis, McFarland, Moore, Morrissey, Mmes. Beck, Labedz, Nelson, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-third Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read. Considered.

LR 33 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

LR 34 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 29 ayes, 0 nays, and 20 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to school districts; to amend section 79-406, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the transfer of certain land between school districts 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	Langford	Schellpeper
Ashford	Chizek	Hannibal	Lindsay	Schimek
Baack	Conway	Hartnett	Lynch	Schmit
Barrett	Coordsen	Hefner	McFarland	Smith
Beck	Crosby	Johnson, L.	Morrissey	Warner
Bernard-Stevens	Dierks	Korshoj	Nelson	Wehrbein
Beyer	Elmer	Kristensen	Peterson	Weihing
Byars	Goodrich	Lamb	Pirsch	Wesely
	Haberman	Landis	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Robak

Excused and not voting, 4:

Labedz Moore Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to prostitution; to amend section 28-801, Revised Statutes Supplement, 1988; to eliminate the authority to issue citations in lieu of arrest; to change the penalty for violations; and to repeal the original section.

Whereupon the 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	Crosby	Hartnett	Landis	Rogers
Ashford	Dierks	Hefner	Langford	Schellpeper
Barrett	Elmer	Johnson, L.	Lindsay	Smith
Beck	Goodrich	Johnson, R.	Lynch	Warner
Beyer	Haberman	Korshoj	Nelson	Wehrbein
Byars	Hall	Kristensen	Peterson	Weihing
Chizek	Hannibal	Lamb	Pirsch	Wesely
Coordsen				

Voting in the negative, 7:

Baack	Bernard-Stevens	Chambers	McFarland	Schmit
		Conway	Morrissey	

Present and not voting, 2:

Robak Schimek

Excused and not voting, 4:

Labedz Moore Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 208.

A BILL FOR AN ACT relating to dogs; to define terms; 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.

Whereupon the 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	Byars	Hall	Langford	Schellpeper
Ashford	Chambers	Hannibal	Lindsay	Schimek
Baack	Chizek	Hefner	McFarland	Schmit
Barrett	Conway	Johnson, L.	Morrissey	Smith
Beck	Coordsen	Johnson, R.	Nelson	Warner
Bernard-Stevens	Dierks	Kristensen	Peterson	Wehrbein
	Elmer	Labedz	Pirsch	Weihing
Beyer	Goodrich	Landis	Robak	Wesely

Voting in the negative, 7:

Crosby	Hartnett	Lamb	Lynch	Rogers
Haberman	Korshoj			

Excused and not voting, 3:

Moore	Scofield	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 238.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1229 and 48-1232, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide an additional penalty for willful nonpayment of wages; and to repeal the original sections.

Whereupon the 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	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Johnson, R.	Moore	Schmit
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford		

Voting in the negative, 0.

Excused and not voting, 2:

Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 263.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,109 and 81-8,126, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an exemption for engineers 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	Bernard-Stevens	Chizek	Elmer	Hartnett
Ashford		Conway	Goodrich	Hefner
Baack	Beyer	Coordsen	Haberman	Johnson, L.
Barrett	Byars	Crosby	Hall	Johnson, R.
Beck	Chambers	Dierks	Hannibal	Korshoj

Kristensen	Lindsay	Nelson	Schellpeper	Warner
Labedz	Lynch	Peterson	Schimek	Wehrbein
Lamb	McFarland	Pirsch	Schmit	Weihing
Landis	Moore	Rogers	Smith	Wesely
Langford	Morrissey			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 2:

Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 267.

A BILL FOR AN ACT relating to search warrants; to amend section 29-814.04, Reissue Revised Statutes of Nebraska, 1943; to define the term daytime; and to repeal the original section.

Whereupon the 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	Crosby	Johnson, L.	Lynch	Schellpeper
Ashford	Dierks	Johnson, R.	Moore	Schimek
Baack	Elmer	Korshoj	Morrissey	Schmit
Barrett	Goodrich	Kristensen	Nelson	Smith
Beck	Haberman	Labedz	Peterson	Warner
Beyer	Hall	Lamb	Pirsch	Wehrbein
Byars	Hannibal	Landis	Robak	Weihing
Chizek	Hartnett	Langford	Rogers	Wesely
Coordsen	Hefner	Lindsay		

Voting in the negative, 4:

Bernard-Stevens	Chambers	Conway	McFarland

Excused and not voting, 2:

Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 273.

A BILL FOR AN ACT relating to ambulances; to amend sections 71-5108 and 71-5111, Revised Statutes Supplement, 1988; to authorize physician assistants to occupy ambulances for transportation of patients; to provide immunity from liability for such services; and to repeal the original sections.

Whereupon the 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	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Johnson, R.	Moore	Schmit
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford		

Voting in the negative, 0.

Excused and not voting, 2:

Scofield Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 344. With Emergency.

A BILL FOR AN ACT relating to health; to amend sections 28-343, 42-106, 71-1,132.13, 71-1,132.37, 71-388, 71-604, 71-605, 71-606, 71-612, 71-615, 71-1723, 71-2033, 71-2035, 71-3702, 71-3703, 71-3704, 71-5311, 71-6106, and 71-6107, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-2041.02, 71-2045.01, 71-2225 to 71-2230, 71-3705, and 71-4706, Revised Statutes Supplement, 1988; to change provisions relating to forms for registering or reporting births, abortions, marriages, annulments, dissolutions of marriage, and deaths and to obtaining copies of such records; to provide for confidentiality as prescribed; to require a fee; to change provisions relating to application for initial licensure, certification, or registration within ninety days prior to the biennial renewal date; to authorize the Department of Health to act as the survey and certification agency for medicare and medicaid purposes; to change the membership of certain councils and a board; to change and eliminate definitions; to change provisions relating to food programs administered by the department; to harmonize provisions; to repeal the original sections, and also sections 71-2209 to 71-2224, Revised Statutes Supplement, 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, 46:

Abboud	Chizek	Hartnett	Langford	Robak
Ashford	Conway	Hefner	Lindsay	Rogers
Baack	Coordsen	Johnson, L.	Lynch	Schellpeper
Barrett	Crosby	Johnson, R.	McFarland	Schimek
Beck	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Kristensen	Morrissey	Warner
	Goodrich	Labedz	Nelson	Wehrbein
Beyer	Haberman	Lamb	Peterson	Weihing
Byars	Hall	Landis	Pirsch	Wesely
Chambers	Hannibal			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Scofield 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 74, 116, 208, 238, 263, 267, 273, and 344.

UNANIMOUS CONSENT - Members Excused

Messrs. Peterson and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 781. Title read. Considered.

Standing Committee amendments, AM0372, found in the Journal on page 759 for the Twenty-Ninth Day, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 356. Placed on General File as amended.
Standing Committee amendments to LB 356:
AM0532

1. On page 2, strike lines 2 through 4; in line 5 strike "(2)" and insert "(1)"; in line 7 strike "(3)" and insert "(2)"; in line 8 strike "an industrial" and insert "a protected"; in line 9 strike "a protected" and insert "such"; strike beginning with "or" in line 11 through "receivership" in line 12; in line 13 strike "(4)" and insert "(3)"; in line 14 strike "(5)" and

insert "(4)"; in line 16 strike "(6)" and insert "(5)"; in line 21 strike "(7)" and insert "(6)"; and in line 25 strike "(8)" and insert "(7)".

2. On page 7, line 17, strike "or receivers of companies in receivership".

3. On page 8, lines 11, 16, and 17, strike "and receivers".

4. On page 9, line 7, strike "or receivers".

(Signed) Dave Landis, Chairperson

Transportation

LEGISLATIVE BILL 450. Placed on General File as amended.
Standing Committee amendments to LB 450:
AM0511

1. On page 3, strike lines 3 and 4; in line 5 strike "(i)" and insert "(h)"; in line 7 strike "(j)" and insert "(i)"; and in line 11 strike "two years" and insert "one year".

2. Insert the following new section:

"Sec. 4. This act shall become operative on January 1, 1990.".

3. Renumber the remaining section accordingly.

(Signed) Howard Lamb, Chairperson

MOTION - Withdraw LB 676

Mr. Schmit moved to withdraw LB 676, pursuant to Rule 5, Section 11.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 23, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Behrens, Galen L. - Adams	Nebraska Rural Letter Carriers Association
Bones, Amy - Omaha	National Tax Limitation Committee National Taxpayers Union
Cutshall, Bruce A. - Lincoln	Nebraska Association of Home & Community Health Agencies
DeCamp Legal Services, P.C. DeCamp, John - Lincoln	Thousand Adventures, Inc.
Grant, Judy - Lincoln	Junior League of Lincoln
Hanson, Ann M. - Lincoln (Withdrawn 89/02/14)	Hanson, James A. (Withdrawn 89/02/14)
Harding, Mary A. - Lincoln	Citizens CBA Action Council
Mowbray, James R. - Lincoln	Nebraska Criminal Defense Attorneys Association
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Nebraska Collectors Association, Inc.
Pappas, James E. - Lincoln	Millard, Ralston, Papillion Public School Districts Norwest Banks - Nebraska, N.A.
Remmers, R. Wiley - Lincoln	DeCamp Legal Services, P.C.
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Nebraska Collectors Association, Inc.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 698 in the Journal. No objections. So ordered.

AM0561

1. Insert the following new sections:

"Sec. 2. That section 48-1231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1231. An employee having a claim for wages which are not paid within thirty days of the regular payday designated or agreed upon may institute suit for such unpaid wages in the proper court. If an employee ~~shall establish~~ establishes a claim and ~~secure~~ secures judgment on the claim, such employee shall be entitled to recover (1) the full amount of the judgment and all costs of such suit~~,~~ and (2) if such employee has

employed an attorney in the case, an amount for ~~attorney~~ attorney's fees assessed by the court, which fees shall not be less than twenty-five percent of the unpaid wages. If the cause is taken to an appellate court and the plaintiff ~~shall recover~~ recovers judgment, the appellate court shall tax as costs in the action, to be paid to the plaintiff, an additional amount for ~~attorney~~ attorney's fees in such appellate court, which fees shall not be less than twenty-five percent of the unpaid wages. If the employee ~~shall fail~~ fails to recover a judgment in excess of the amount that may have been tendered within thirty days of the regular payday by an employer, then such employee shall not recover the ~~attorney~~ attorney's fees provided by this section. Upon a finding by the court that no reasonable dispute existed as to the fact that wages were owed or as to the amount of such wages, the court may order the employee to ~~and shall~~ pay the employer's attorney fees and costs of the action as assessed by the court.

Sec. 3. That section 48-1232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1232. If an employee ~~shall establish~~ establishes a claim and ~~secure~~ secures judgment on such claim under section 48-1231, and the court makes a finding that no reasonable dispute existed as to the fact that wages were owed or as to the amount of such wages, the court may order that an amount equal to the judgment ~~shall~~ be recovered from the employer, ~~if ordered by the court,~~ and ~~shall~~ be placed in a fund to be distributed to the common schools of this state.".

2. On page 3, line 4, strike "section 48-1229" and insert "sections 48-1229, 48-1231, and 48-1232"; and in line 5 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 809.

LB	Committee
809	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 357. Considered.

The pending Schellpeper amendment, AM0517, found in the Journal on page 836, and considered on page 858, was withdrawn.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 357A. 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.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 441. Title read. Considered.

Standing Committee amendments, AM0172, found in the Journal on page 589 for the Twenty-First Day, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 157. Title read. Considered.

Mr. Chizek renewed his pending amendment, AM0481, found in the Journal on page 808.

The Chizek amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 360. 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 360A. 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.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1989, at 10:50 a.m., were the following bills: 74, 116, 208, 238, 263, 267, 273, and 344.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Withdraw LB 765

Mrs. Smith moved to withdraw LB 765 introduced by the General Affairs Committee.

Laid over.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday, March 14, 1989, Room 1517 8:30 a.m.
Proposed rule change (Wesely), Journal page 848

(Signed) Dan Lynch, Chairperson

GENERAL FILE

LEGISLATIVE BILL 265. Title read. Considered.

Mr. Chizek renewed his pending amendment, AM0258, found in the Journal on page 739.

The Chizek 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 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 397. Title read. Considered.

Mrs. Beck and Mr. Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mmes. Crosby and Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 619. 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.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 623. 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 155. Title read. Considered.

Standing Committee amendments, AM0176, found in the Journal on page 608 for the Twenty-Second Day, were considered.

Mr. Rogers renewed the pending Wehrbein amendment, AM0281, found in the Journal on page 656, to the Standing Committee amendments.

The Wehrbein amendment was adopted with 13 ayes, 0 nays, 26 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.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

REPORT

Received Preliminary Report to the Legislature from the Appropriations Committee pursuant to Rule 8, Sec. 3.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 346. Placed on General File.
LEGISLATIVE BILL 437. Placed on General File.

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendments to LB 329:
AM0567

1. On page 3, line 6, before "There" insert "(5)"; in line 7 strike "providing child" and insert "commencing to provide"; in line 8 after "employees" insert "after January 1, 1989,"; and in line 19 strike "Provides" and insert "Provide".

2. On page 4, line 4, strike "provided" and insert "commenced providing"; in line 5 after "services" insert "after January 1, 1989,"; in line 9 strike "fifty" and insert "thirty-five"; in line 15 after "years" insert "after commencing to provide day care services"; and in line 20 strike "Any" and insert "To be eligible for the credit, a" and strike "providing" and insert "commencing to provide".

3. On page 6, line 11, after "1989" insert ", under the Internal Revenue Code of 1986, as amended".

LEGISLATIVE BILL 504. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 449A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 449, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 250A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 250, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LB 218 and LB 330. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as co-introducer to LB 478. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 335. No objections. So ordered.

Messrs. Peterson, Rogers, and Beyer asked unanimous consent to have their names added as co-introducers to LB 809. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 seventh grade students and sponsors from Millard North Middle School; Beverly George from Chester; 60 ninth grade students and teacher from West Point Public School;

and Mr. Raimo Sailas from Finland, Ms. Rea Nurmai, Ed Farr from Cedar Bluffs, Lee Grove from Superior, Randy Peters from McCook, and Ron Stoddard from Ogallala.

ADJOURNMENT

At 12:05 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Monday, February 27, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 27, 1989

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - FEBRUARY 27, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Sherman McCormick, Piedmont Park Seventh-Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Dierks, and Lamb who were excused; and Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Conway, Haberman, Hall, R. Johnson, Lindsay, Lynch, McFarland, Warner, Mmes. Beck, Crosby, Nelson, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

MESSAGE FROM THE GOVERNOR

February 24, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 342, 114, and 221 were received in my office on February 23, 1989.

These bills were signed by me on February 24, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 33, LR 36, and LR 37.

ANNOUNCEMENT

The Chair announced yesterday was Senator Weihing's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 35. Read. Considered.

LR 35 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Withdraw LB 676

Mr. Schmit renewed his pending motion, found in the Journal on page 871, to withdraw LB 676.

The Schmit motion to withdraw prevailed with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

MOTION - Withdraw LB 765

Mrs. Smith renewed her pending motion, found in the Journal on page 875, to withdraw LB 765.

The Smith motion to withdraw prevailed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

MOTION - Place LB 433 on General File

Mr. Wesely renewed his pending motion, found in the Journal on page 769, to place LB 433 on General File notwithstanding committee action, pursuant to Rule 3, section 17.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely requested a record vote on his motion to place LB 433 on General File.

Voting in the affirmative, 11:

Ashford	McFarland	Nelson	Schellpeper	Smith
Korshoj	Morrissey	Robak	Schimek	Wesely
Landis				

Voting in the negative, 26:

Barrett	Crosby	Hannibal	Labedz	Scofield
Beck	Elmer	Hartnett	Langford	Warner
Beyer	Goodrich	Hefner	Lindsay	Wehrbein
Byars	Haberman	Johnson, L.	Peterson	Weihing
Conway	Hall	Kristensen	Rogers	Withem
Coordsen				

Present and not voting, 4:

Chambers	Moore	Pirsch	Schmit

Excused and not voting, 8:

Abboud	Bernard-	Chizek	Johnson, R.	Lynch
Baack	Stevens	Dierks	Lamb	

The Wesely motion lost with 11 ayes, 26 nays, 4 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 361. Placed on Select File as amended.

(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5068.)

LEGISLATIVE BILL 361A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 199. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

General Affairs

LEGISLATIVE BILL 686. Placed on General File as amended.
Standing Committee amendment to LB 686:
AM0453

1. Strike the original sections and insert the following new section:

"Section 1. That section 53-180.06, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 704. Placed on General File as amended.
Standing Committee amendments to LB 704:
AM0581

1. On page 5, line 25, after "liquor" insert "other than beer or wine".

2. On page 6, line 2, strike "permit" and insert "wholesaler's basic permit and federal wholesale liquor dealer's special tax stamp"; in line 7 strike the new matter, reinstate the stricken matter, and after the reinstated "form" insert "except as provided in section 53-175"; in line 9 strike the new matter and reinstate the stricken matter; and in line 10 reinstate the stricken matter and after the reinstated "form" insert "except as provided in section 53-175".

3. On page 13, line 2, strike the comma and show as stricken and reinstate the stricken "but"; in line 3 reinstate the stricken matter and after the reinstated "form" insert "except as provided in section 53-175"; in line 20 strike "manufacturer or" and show as stricken; and in line 24 after "liquor" insert "other

than beer or wine".

4. On page 14, line 2, after "permit" insert "and federal wholesale liquor dealer's special tax stamp and has filed proof of possession of the permit and tax stamp with the commission prior to engaging in any such sales for resale. Retailers making such sales and retailers making such purchases shall keep accurate records of such sales and purchases and shall report all such sales and purchases on a quarterly basis on forms and in such manner as prescribed by the commission. No licensed retailer shall purchase more than five hundred dollars of alcoholic liquor as allowed under this section from other licensed retailers in any calendar year".

(Signed) Jacklyn Smith, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 765 Monday, March 6 (Cancelled) 1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

AM0578

1. On page 16, line 6, strike "Whether" and insert "For sales of agricultural land or horticultural land, whether"; in line 7 strike "Sales of agricultural land" and insert "Land"; and in line 8 strike "purchase of".

MOTION - Withdraw LB 748

Mr. R. Johnson moved to withdraw LB 748, pursuant to Rule 5, Section 11.

Laid over.

STANDING COMMITTEE REPORTS

Natural Resources Committee

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.

Marc W. Anthony - Game & Parks Commission

Voting aye: Senators Schmit, Lamb, Beck, Elmer, Morrissey, and Weihing. Absent: Senators Rod Johnson and Smith.

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.

Mark A. Hunzeker - Power Review Board

Voting aye: Senators Schmit, Lamb, Beck, Elmer, Morrissey, and Weihing. Absent: Senators Rod Johnson and Smith.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 744. Title read. Considered.

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 336. Title read. Considered.

Standing Committee amendments, AM0169, found in the Journal on page 551 for the Nineteenth Day, were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Withem renewed his pending amendment, AM0350, found in the Journal on page 799.

The Withem amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Beyer, Haberman, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mrs. Nelson and Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Monday, March 13, 1989 1:30 p.m.
Susan K. Renken

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM0585

1. On page 3, strike beginning with "project" in line 5 through "requirement" in line 9 and insert "such contract which has a total cost of fifteen thousand dollars or less unless a bond requirement is included".

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 670. Indefinitely postponed.
LEGISLATIVE BILL 800. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Goodrich, L. Johnson, and Mrs. Nelson asked unanimous consent to have their names added as co-introducers to LB 809. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendments to LB 335:
AM0568

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 77-27,188.01, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,188.01. (1) The credit allowed under section 77-27,188 may be used to obtain a refund of sales and use taxes paid or against the income tax liability of the taxpayer.

(2) A claim for the credit may be filed quarterly for refund of the sales and use taxes paid, either directly or indirectly, after the filing of the income tax return for the taxable year in which the credit was first allowed.

(3) The credit may be used to obtain a refund of sales and use taxes paid before the end of the taxable year for which the credit was allowed, except that the amount refunded under this subsection shall not exceed the amount of the sales and use taxes paid, either directly or indirectly, by the taxpayer on the qualifying investment.

(4) For the purposes of subsections (2) and (3) of this section, the taxpayer shall be deemed to have paid indirectly any sales or use taxes paid by a contractor on tangible personal property incorporated into an improvement to real estate built for the taxpayer. The contractor shall certify to the taxpayer the amount of the Nebraska sales and use taxes paid on the materials, or the taxpayer, with the permission of

the Tax Commissioner and a certification from the contractor that Nebraska sales and use taxes were paid on all materials, may presume that fifty percent of the cost of the improvement was for materials incorporated on which the tax was paid.

(5) The credit shall be a nonrefundable credit when used against the income tax liability of the taxpayer. The credit shall be applied before any refundable credits are applied. The amount of the credit that may be used in any taxable year shall not exceed fifty percent of the income tax liability of the taxpayer reduced by all other nonrefundable credits, except the credits prescribed in section 77-4105.

(6) The credit that is not used against liabilities incurred in the taxable year in which such credit was first allowable may be carried over and used against the liabilities incurred in the five immediately succeeding taxable years. The credits carried over shall be used in the order in which they were first allowed and before any additional credit allowable in a current taxable year may be used.

(7) No claim for refund of sales and use taxes under this section may be filed prior to January 1, 1989.

(8) Credits distributed to a partner, shareholder, or beneficiary under section 77-27,194 may only be used against the income tax liability of the partner, shareholder, or beneficiary receiving the credits.

Sec. 3. That section 77-27,188.02, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,188.02. If the taxpayer does not maintain the level of investment and employment that created the credit for at least two years after the year for which the credit was first allowed:

(1) The taxpayer shall not be entitled to any further carryovers of unused credits; and

(2) During the subsequent two years, the ~~The~~ taxpayer shall repay to the state one-third of the amount of the credit used for each ~~subsequent~~ year that the taxpayer has not maintained the required level of investment and employment. ~~until the credit used is repaid in full.~~

Sec. 4. That section 77-27,190, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,190. (1) A taxpayer shall be deemed to have a new employee when the ~~average~~ number of Nebraska employees ~~during a~~ on the last day of the taxable year exceeds (a) the number of Nebraska employees on the first day of the taxable year or (b) the average number of Nebraska employees during each of the three preceding taxable years, whichever is greater.

(2) The average number of Nebraska employees for a taxable year shall be determined by averaging the number of Nebraska employees on (a) the last day of the preceding taxable year, (b) the last day of each calendar quarter within the current taxable year, and (c) the last day of the current taxable year.

(3) The number of hours comprising a full-time job shall be the business hours the taxpayer uses for other purposes such as benefit plans or labor relations. The number of hours comprising a full-time job shall be used for all periods when comparing average employment under the Employment Expansion and Investment Incentive Act.

(4) Qualifying business employees who work within and without this state shall be considered only to the extent they are paid for work performed within this state.

(5) The hours worked by any person considered an independent contractor or the employee of another taxpayer shall not be used in the computation of any averages under this section.

(6) Changes made to this section by Legislative Bill 335, Ninety-first Legislature, First Session, 1989, shall not affect the eligibility for benefits or tax liability under the Employment Expansion and Investment Incentive Act of any tax payer who has received benefits for increasing employment under such act in taxable year 1987 or 1988.

Sec. 5. That section 77-27,191, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,191. (1) A taxpayer shall be deemed to have made an increased investment in this state ~~if the average investment in this state during the taxable year~~

~~exceeds~~ to the extent the value of the property used or available for use on the last day of the taxable year exceeds (a) the value of all property used or available for use on the first day of the taxable year or (b) the average investment in this state during each of the three preceding taxable years, whichever is greater.

(2) The average investment in this state shall be the average of the value of all property used or available for use on the first day of the taxable year and the last day of the taxable year.

(3) To determine the value of property owned by the taxpayer, the tax basis before allowance for depreciation shall be used. To determine the value of property rented by the taxpayer, the annual rent of the property shall be multiplied by eight.

~~(3)~~ (4) Only investment in improvements to real property and tangible personal property that are depreciable under the Internal Revenue Code shall be considered.

~~(4)~~ (5) Vehicles, planes, or railroad rolling stock shall be excluded in determining the investment or average investment under this section.

(6) Changes made to this section by Legislative Bill 335, Ninety-first Legislature, First Session, 1989, shall not affect the eligibility for benefits or tax liability under the Employment Expansion and Investment Incentive Act of any taxpayer who has received benefits for increasing investment under such act in taxable year 1987 or 1988.

Sec. 6. Sections 4, 5, 6, and 7 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1987, under the Internal Revenue Code of 1986, as amended. The other sections of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1989, under the Internal Revenue Code of 1986, as amended.

Sec. 7. That original sections 77-27,190 and 77-27,191, Revised Statutes Supplement, 1988, are repealed.".

2. On page 2, lines 9 and 16, after "two" insert "new"; and in lines 10 and 20 before "investment" insert "increased".

3. On page 3, line 1, strike "section

77-27,188" and insert "sections 77-27,188, 77-27,188.01, and 77-27,188.02"; and in line 2 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendments to LB 540:
AM0596

1. On page 8, strike beginning with "nonprofit" in line 10 through "purposes" in line 12 and insert "any organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended,"; and strike lines 13 through 15 and insert "obtains voting rights in such organization notwithstanding that such membership also includes access to and use of facilities, places, or locations owned by the organization free of charge;".

2. On page 16, strike beginning with "nonprofit" in line 1 through "purposes" in line 3 and insert "any organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended,"; in line 5 strike beginning with "corporations" through "societies" and insert "organization"; and in line 8 strike beginning with "corporation" through "society" and insert "organization".

LEGISLATIVE BILL 705. Placed on General File as amended.
Standing Committee amendments to LB 705:
AM0595

1. Insert the following new section:

"Sec. 2. This act shall become operative on July 1, 1989.".

2. Renumber remaining sections accordingly.

LEGISLATIVE BILL 436. Indefinitely postponed.
LEGISLATIVE BILL 497. Indefinitely postponed.
LEGISLATIVE BILL 532. Indefinitely postponed.
LEGISLATIVE BILL 654. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - FEBRUARY 28, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Mel Luetchens, Executive Director, Inter-Church Ministries of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Morrissey who were excused; and Messrs. Abboud, Ashford, Chambers, Haberman, Hall, McFarland, Moore, Mmes. Beck, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

REPORT

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM0598
1. On page 2, lines 6 and 23, strike "1991" and insert "1993".

ANNOUNCEMENT

Mrs. Beck designates LB 775 as her priority bill.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 35.

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 885: Mr. Marc W. Anthony - Game & Parks Commission.

Voting in the affirmative, 25:

Baack	Dierks	Johnson, L.	Langford	Schmit
Barrett	Elmer	Korshoj	Lindsay	Smith
Beyer	Hannibal	Kristensen	Robak	Warner
Conway	Hartnett	Lamb	Rogers	Weihing
Crosby	Hefner	Landis	Schimek	Wesely

Voting in the negative, 0.

Present and not voting, 11:

Bernard-Stevens	Coordsen	Lynch	Peterson	Wehrbein
Byars	Goodrich	Nelson	Schellpeper	Withem
	Johnson, R.			

Excused and not voting, 13:

Abboud	Chambers	Hall	Moore	Pirsch
Ashford	Chizek	Labedz	Morrissey	Scofield
Beck	Haberman	McFarland		

The appointment was confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 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 885: Mr. Mark A. Hunzeker - Power Review Board.

Voting in the affirmative, 27:

Barrett	Dierks	Johnson, R.	Peterson	Smith
Bernard-Stevens	Elmer	Lamb	Robak	Warner
Beyer	Goodrich	Landis	Rogers	Wehrbein
Conway	Hannibal	Langford	Schimek	Weihing
Crosby	Hefner	Lindsay	Schmit	Withem
	Johnson, L.	Nelson		

Voting in the negative, 0.

Present and not voting, 9:

Baack	Coordsen	Korshoj	Lynch	Wesely
Byars	Hartnett	Kristensen	Schellpeper	

Excused and not voting, 13:

Abboud	Chambers	Hall	Moore	Pirsch
Ashford	Chizek	Labedz	Morrissey	Scofield
Beck	Haberman	McFarland		

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

MOTION - Withdraw LB 748

Mr. R. Johnson renewed his pending motion, found in the Journal on page 884, to withdraw LB 748.

The motion to withdraw prevailed with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

MOTION - Appropriations Committee Report

Mr. Warner renewed his pending motion, found in the Journal on page 857, to move that the Legislature make recommendations as provided in the Appropriations Committee report on the

"Predisbursement Plan for use of Nebraska Energy Settlement Fund," to the State Energy Office, pursuant to RRS 81-1637(4).

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

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 Warner motion prevailed with 27 ayes, 3 nays, 11 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 564. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Education

LEGISLATIVE BILL 247. Placed on General File.
LEGISLATIVE BILL 392. Placed on General File.
LEGISLATIVE BILL 395. Placed on General File.

LEGISLATIVE BILL 531. Indefinitely postponed.
LEGISLATIVE BILL 694. Indefinitely postponed.
LEGISLATIVE BILL 760. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendments to LB 587 in the Journal. No objections. So ordered.

(1)

AM0603

1. On page 5, line 16, strike "and" and show as stricken; and in line 18 after "Fund" insert "; and

(6) Grain shall mean wheat, corn, and grain sorghum produced in Nebraska".

(2)

AM0604

1. On page 9, line 16, strike the new matter and after "construction" insert an underscored comma; and in line 17 strike the first "or" and show as stricken and after "acquisition" insert ", or expansion".

(3)

AM0607

1. On page 9, after line 18 insert the following:

"The fund shall not be used to pay operating expenses of an applicant but shall only be used for capital investment purposes.".

2. On page 11, line 20, after the period insert "The investment shall be for capital investment purposes only and shall not be used to pay operating expenses of the applicant.".

3. On page 12, after line 5, insert:

"(3) Before an investment is made pursuant to subsection (1) of this section, the applicant shall sign an agreement with the board stating that the funds invested are for capital investment purposes and not for operating expenses.".

4. On page 17, after line 24, insert:

"Before a grant or loan is awarded to a city, county, village, or postsecondary educational institution, the applicant shall sign an agreement with the board stating that the funds granted or loaned are for capital investment purposes and not for operating expenses.".

(4)

AM0606

1. On page 11, strike beginning with "utilize" in line 23 through line 24 and show as stricken.

2. On page 12, strike lines 2 through 5, show as stricken, and insert:

"(2)(a) The board may make an investment

pursuant to subsection (1) of this section only after receipt of an application which contains:

(i) A business plan including a description of the applicant's business enterprise and its management, product, and market;

(ii) A statement of the amount, timing, and projected use of the capital required;

(iii) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created; and

(iv) Such other information as the board shall request.

(b) Approval of the investment by the board may be made after the board finds, based upon the application submitted by the enterprise and such additional investigation as the staff of the board shall make and incorporate in its minutes, that:

(i) The proceeds of the investment will be used only to facilitate the construction, acquisition, or expansion of facilities of the enterprise;

(ii) The enterprise has a reasonable chance of success;

(iii) The board's participation is necessary to the success of the enterprise or its retention in the state because funding for the enterprise is not readily available or because funding has been offered on terms that would hinder the success of the enterprise;

(iv) The enterprise has the reasonable potential to create a substantial amount of employment within the state;

(v) The entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(vi) The securities to be purchased are qualified securities;

(vii) There is a reasonable possibility that the board will recoup at least its initial investment; and

(viii) Binding commitments have been made to the board by the enterprise for adequate reporting of financial data to the board which shall include a requirement for an annual report or, if required by the board, an annual audit of the financial and operational

records of the enterprise and for such control on the part of the board as shall be considered prudent over the management of the enterprise so as to protect the investment of the board including, in the discretion of the board and without limitation, the right of access to financial and other records of the enterprise.

(3) In carrying out its functions under this section, the board is encouraged to create an investment committee to assist in evaluating potential investments in qualified securities. The membership of this investment committee may include both members and staff of the board and other persons drawn from sources other than the board who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board. Members of the investment committee shall be reimbursed for any reasonable expenses incurred by them in the performance of duties assigned by the board pursuant to sections 81-1174 to 81-1177.

(4) The board shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than forty-nine percent of qualified securities in any one enterprise at the time of the purchase by the board after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise, except that in the event of severe financial difficulty of the enterprise threatening, in the judgment of the board, the investment of the board therein, a greater percentage of such securities may be owned by the board.".

(5)

AM0619

1. On page 12, after line 5, insert the following new subsection:

"(3) On January 1, 1990, and each year thereafter, the board shall submit a report to the Legislature detailing investments made pursuant to subsection (1) of this section. The report shall include a statement of (a) the current amount invested in each company, (b) the current market value of assets of such company, and (c) the market value of the assets of such company at the time of the initial investment by the board.".

MESSAGES FROM THE GOVERNOR

February 16, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee:
Robert F. Lundeen, 3302 Stewart Lane, North Platte, NE 69101, (308) 532-8298.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 16, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee:
Robert W. Allen, 3588 Nearpark Drive, Lincoln, NE 68506, (402) 475-5671.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 16, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee:
Raymond O. Farris, P.E., 11239 Chicago Circle, Omaha, NE 68154, (402) 330-5900.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 8, 1989

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:
Patricia A. McQuillan, P.O. Box 303, Greeley, NE 68842, (308) 428-4985.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

GENERAL FILE

LEGISLATIVE BILL 183. The pending Lamb amendment (2), AM0472, found in the Journal on page 813 and considered on page 828, to the Standing Committee amendments, was renewed.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

Mr. Baack moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Baack requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 18:

Barrett	Crosby	Hefner	Robak	Smith
Beyer	Dierks	Lamb	Rogers	Warner
Byars	Goodrich	Moore	Schellpeper	Weihing
Coordsen	Haberman	Peterson		

Voting in the negative, 21:

Abboud	Chambers	Johnson, L.	Lindsay	Schmit
Ashford	Conway	Kristensen	McFarland	Wehrbein
Baack	Elmer	Landis	Nelson	Wesely
Bernard-Stevens	Hall	Langford	Schimek	Withem
	Hartnett			

Present and not voting, 4:

Hannibal	Johnson, R.	Labedz	Lynch

Excused and not voting, 6:

Beck	Korshoj	Morrissey	Pirsch	Scofield
Chizek				

The Lamb amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lamb renewed his pending amendment (3), AM0471, found in the Journal on page 813, to the Standing Committee amendments.

Mr. Warner 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 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Coordsen	Hefner	Robak	Scofield
Barrett	Crosby	Johnson, R.	Rogers	Smith
Beyer	Dierks	Lamb	Schellpeper	Weihing
Byars	Haberman	Peterson		

Voting in the negative, 21:

Ashford	Conway	Kristensen	Lindsay	Schmit
Baack	Elmer	Labedz	McFarland	Wehrbein
Bernard-Stevens	Hall	Landis	Nelson	Wesely
	Hartnett	Langford	Schimek	Withem
Chambers	Johnson, L.			

Present and not voting, 4:

Goodrich Hannibal Lynch Moore

Excused and not voting, 6:

Beck Korshoj Morrissey Pirsch Warner
Chizek

The Lamb amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lamb withdrew his pending amendment (4), AM0470, found in the Journal on page 813, to the Standing Committee amendments.

Mr. Lamb renewed his pending amendment (5), FA40, found in the Journal on page 814, to the Standing Committee amendments, to LB 183.

Messrs. Schmit and Weihing 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 25 ayes, 0 nays, and 24 not voting.

The Lamb amendment was adopted with 24 ayes, 6 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Lamb renewed his pending amendment (6), AM0256, found in the Journal on page 814, 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. Lamb moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Abboud	Dierks	Hefner	Peterson	Rogers
Beyer	Goodrich	Lamb	Robak	Weihing
Coordsen	Haberman			

Voting in the negative, 28:

Ashford	Conway	Johnson, L.	Lynch	Smith
Baack	Crosby	Kristensen	McFarland	Warner
Bernard-Stevens	Elmer	Labedz	Moore	Wehrbein
	Hall	Landis	Nelson	Wesely
Byars	Hannibal	Langford	Schimek	Withem
Chambers	Hartnett	Lindsay	Schmit	

Present and not voting, 5:

Barrett	Beck	Johnson, R.	Schellpeper	Scofield

Excused and not voting, 4:

Chizek	Korshoj	Morrissey	Pirsch

The Lamb amendment lost with 12 ayes, 28 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper offered the following amendment, to the Standing Committee amendments, to LB 183:
FA43
Add the following new section:

"The Education Committee of the Legislature shall conduct a study during the 1989 interim of issues relating to providing students the option of attending a school district outside their place of residence. Such study shall include input from educators and parents representing schools of all sizes within the state, and data concerning the effect of such a program in any state which has studied this issue or currently has such a program. It shall include but not be limited to study of the following issues:

1. Whether such a program will result in improved educational opportunities for individual students.

2. Whether such a program will result in the closing of smaller schools.

3. Whether such a program will result in improvement or cause deterioration of the educational quality of rural schools.

4. Whether such a program will lead to recruiting of students with special skills and talents.

5. Whether such a program will lead to deterioration of the financial base of rural schools.

Upon completion of such study the committee shall make a report of its findings and recommendations to the Legislature on or before January 1, 1990."

The Schellpeper amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 19 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 asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Chambers	Johnson, L.	Lynch	Scofield
Ashford	Conway	Kristensen	McFarland	Warner
Baack	Crosby	Labedz	Moore	Wehrbein
Barrett	Elmer	Landis	Nelson	Weihing
Bernard-Stevens	Hannibal	Langford	Schimek	Wesely
	Hartnett	Lindsay	Schmit	Withem

Voting in the negative, 13:

Beyer	Dierks	Johnson, R.	Robak	Schellpeper
Byars	Goodrich	Lamb	Rogers	Smith
Coordsen	Hefner	Peterson		

Present and not voting, 2:

Beck	Haberman

Excused and not voting, 5:

Chizek Hall Korshoj Morrissey Pirsch

Advanced to E & R for Review with 29 ayes, 13 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 183A. 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.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:
AM0546

1. On page 4, line 24; and page 5, line 2 strike "seven" and insert "nine".

LEGISLATIVE BILL 386. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Natural Resources

LEGISLATIVE BILL 755. Placed on General File as amended.
Standing Committee amendment to LB 755:
AM0635

1. On page 12, line 19, strike "The council" and insert "Subject to adoption and promulgation of appropriate rules and regulations by the council, the department".

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 99. Placed on General File.

LEGISLATIVE BILL 278. Indefinitely postponed.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 678. Placed on General File as amended.
Standing Committee amendments to LB 678:
AM0570

1. Insert the following new section:

"Sec. 10. There is hereby established the Child Care Rules and Regulations Advisory Committee to advise the Department of Social Services on all aspects of the rules and regulations concerning day care homes licensed by the department. The committee shall be comprised of at least ten members, seven of whom shall be day care home providers and three of whom shall be parents. Two providers shall be appointed from each congressional district and one provider shall be appointed at large. One parent shall be appointed from each congressional district.

The initial members of the committee shall be appointed for staggered terms of one, two, and three years so that no more than one-third of the members of the committee shall turn over in any given year. Following initial appointments to the committee, appointments shall be for terms of three years. No member shall serve more than two terms on the committee.

Members of the committee shall be reimbursed for their actual and necessary expenses incurred in connection with their duties as members of the board as provided in sections 81-1174 to 81-1177. The members shall be appointed by the Director of Social Services and shall be confirmed by the Legislature.

The committee shall meet at least twice a year but may meet more often at the request of the director or a majority of the committee members.".

2. On page 5, line 17, strike "17" and insert "18".

3. On page 7, line 2, after "and" insert "four hours"; and in line 3 strike "requirements".

4. On page 10, line 10, after the comma insert "the State Fire Marshal,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 323. Placed on General File.

LEGISLATIVE BILL 569. Placed on General File as amended.

Standing Committee amendments to LB 569:
AM0554

1. Insert the following new section:

"Sec. 25. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 720. Placed on General File as amended.
Standing Committee amendment to LB 720:
AM0618

1. On page 2, line 15, after the period insert "To carry out the provisions of this section, the Legislature shall provide funds for additional staff. In order to achieve the established standards by January 1993, the Department of Social Services shall add one-fourth of the additional staff annually beginning in fiscal year 1989-90.".

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendments to LB 355:
AM0555

1. On page 5, line 22; and page 6, line 15, strike "June" and insert "July".

2. On page 9, line 7, after "assistants" insert "other than medication assistants employed at centers for the developmentally disabled"; and after line 17 insert "Courses of training for medication assistants employed at centers for the developmentally disabled shall be no less than nine hours in duration and shall include each of the subject areas enumerated in this subsection.".

LEGISLATIVE BILL 511. Indefinitely postponed.

LEGISLATIVE BILL 491. Placed on General File as amended.
Standing Committee amendment to LB 491:
AM0553

1. On page 14, line 4, after the period insert "Such agencies performing such duties shall inform patients of the scope of practice of both

optometrists and ophthalmologists.".

LEGISLATIVE BILL 724. Placed on General File as amended.
Standing Committee amendment to LB 724:
AM0579

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-6023.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6023.01. A nursing home seeking or renewing a license shall be required to retain a resident whose economic status changes so that such resident receives medicaid or becomes eligible for medicaid if such resident has resided in the nursing home for a period of at least one year after July 17, 1986, unless ten percent of such nursing home's residents are receiving medicaid or are eligible for medicaid. Such requirement shall constitute a condition of licensure. The department shall notify the nursing home of such requirement ninety days prior to the renewal of a license or upon application for a license. For purposes of this section, nursing homes shall include long-term care hospitals, including long-term care units of a hospital. This section shall not apply to the Nebraska veterans' homes established pursuant to Chapter 80, article 3.

Sec. 2. That original section 71-6023.01, 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 726. Placed on General File as amended.
Standing Committee amendments to LB 726:
AM0580

1. Insert the following new section:

"Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 11, line 17, after the second comma insert "an accredited educational institution which awards an academic degree to its graduates and has or maintains a current contract with an approved service

to provide transport to patients,".

3. On page 24, lines 23 and 24, strike "an ambulance" and insert "the field".

4. On page 25, lines 24 and 25, strike "an ambulance", show as stricken, and insert "the field".

5. On page 39, strike line 24 and 25 and insert:

"(e) Perform pulmonary ventilation by use of an esophageal airway and by use of the endotracheal tube if such method has been additionally taught.".

6. On page 40, strike lines 1 through 3.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 781. Placed on Select File as amended.
E & R amendments to LB 781:
AM5075

1. In the Standing Committee amendments, AM0372, on page 1, line 7, strike ". He" and insert "if he".

2. On page 1, line 3, before "and" insert "53-150,"; and in line 5 after "to" insert "state and".

3. On page 4, line 6, after "police" insert "power".

4. On page 9, line 7, after "section" insert an underscored comma.

5. On page 10, line 15, strike "insure" and insert "ensure"; in line 21 strike ", kept," and insert "and kept in"; and in line 25 strike the first comma and insert "and", strike the second comma and insert "of and", and strike the third comma.

6. On page 11, line 6, strike the comma and insert "and"; in line 7 strike ", rules," and insert "of and rules"; and in line 19 strike "its" and insert "the applicant's".

7. On page 12, line 21, strike "forfeiting" and insert "has forfeited".

8. On page 13, line 5, strike "section" and insert "subsection"; in line 7 strike "applicants" and insert "applicant"; and in line 8 strike "licensees" and insert "licensee".

9. On page 18, line 17, after "cancellation" insert an underscored comma.

10. On page 20, line 18, strike "insure" and insert "ensure"; and in line 24 strike ", kept," and insert "and kept in".

11. On page 21, line 3, strike all commas, after "provisions" insert "and", and after "requirements" insert "of and"; in line 9 strike the comma and insert "and"; in line 10 strike both commas and after "requirements" insert "of and"; and in line 22 strike "its" and insert "the applicant's".

12. On page 22, line 24, strike "forfeiting" and insert "has forfeited".

13. On page 23, in lines 2 and 10 strike "subsection" and insert "subdivision"; in line 8 strike "section" and insert "subdivision"; and in line 10 strike "applicants" and insert "applicant".

14. On page 26, line 5, after "rehearing" insert "before the commission"; and in line 7 strike the new matter.

15. On page 34, in lines 15 and 17 strike "attorney" and insert "attorneys".

16. On page 35, line 9; and page 36, line 7, after "if" insert "the transcripts are".

17. On page 35, lines 3 and 26, strike "granting or refusing" and insert "pursuant to which"; in line 4 after the first "permit" insert "was granted or denied"; and in line 11 strike the comma.

18. On page 36, line 1, after the first "permit" insert "was granted or denied"; and in line 6 after "county" insert an underscored comma.

LEGISLATIVE BILL 357. Placed on Select File as amended.
E & R amendments to LB 357:
AM5070

1. In the Nelson amendment, AM0514:

a. On page 1, line 3, before "A" insert "(1)"; in line 9 strike "(1)" and insert "(2)"; in line 15 after the comma insert "and"; and in line 17 strike "(2)" and insert "(3)"; and

b. On page 2, line 4, strike "(3)" and insert "(4)".

2. On page 1, line 7, after the semicolon insert "to provide operative dates;".

3. On page 2, line 9, after "of" insert "sections 1 to 7 of".

4. On page 4, line 2, after "degree" insert "in nursing"; and in line 12 strike "This" and insert "Sections 1 to 7 of this".

LEGISLATIVE BILL 357A. Placed on Select File.

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:
AM5069

1. On page 1, line 7, strike "and" and insert "to provide an operative date;"; and in line 8 strike "section" and insert "sections; and to declare an emergency".

On page 7, line 17, strike "and" and show as stricken.

(Signed) John C. Lindsay, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 329A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 329, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 260A. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 437A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 437, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 227A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, Ninety-first Legislature, First Session, 1989.

MESSAGE FROM THE GOVERNOR

February 16, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee: Timothy G. Wentz, P.E., P.O. Box 30205, Lincoln, NE 68503, (402) 464-6354.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 748 Tuesday, March 7, 1989 (cancelled) 1:30 p.m.

(Signed) David Landis, Chairperson

Revenue

LB 809 Thursday, March 16, 1989 1:30 p.m.

(Signed) Tim Hall, Chairperson

ANNOUNCEMENT

Mr. Wesely announced that the Health and Human Services Committee hearings scheduled for Thursday, March 2, 1989 at 1:30 p.m. will be held in the East Chamber.

VISITORS

Visitors to the Chamber were 78 fourth grade students and teacher from Belmont Elementary School, Lincoln; Ryoko Kawai from Japan and Karen Ruwe from Arlington; and 15 juniors, seniors, and teacher from Northeast High School, Lincoln.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 1, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Tom Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Rogers who were excused; and Messrs. Abboud, Chizek, Haberman, Hall, Hartnett, R. Johnson, Lamb, McFarland, Schmit, Wesely, Mmes. Beck, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 157. Placed on Select File as amended.
E & R amendments to LB 157:
AM5073

1. In the Chizek amendment, AM0481:

a. On page 2, line 16, after the first comma insert "a"; and in line 17 after the first "or" insert "a";

b. On page 3, line 1, after "of" insert "significant exposure to an"; and in line 2 strike "exposure";

c. On page 4, strike beginning with "sections" in line 14 through "7" in line 15 and insert "this section and section 4"; and in line 15 after "the" insert "health care";

d. On page 5, in lines 4 and 16 strike "sections 1 to 7" and insert "this section and section 4"; in line 17 after "The" insert "health care"; in line 20 after "under" insert "such" and strike "1 to 7 of this act"; and in line 22 after "test" insert "for presence of an infectious disease or condition";

e. On page 6, line 3, after "signing" insert "an" and after "consent" insert "form"; and

f. On page 7, line 18, strike "executor" and insert "personal representative".

2. On page 1, strike lines 2 through 7 and insert "amend section 71-506, Revised Statutes Supplement, 1988; to define terms; to provide for notifications and testing related to infectious diseases and conditions; to require confidentiality of information as prescribed; to provide powers and duties; to limit liability; to provide a penalty; to provide severability; and to repeal the original section.".

LEGISLATIVE BILL 360. Placed on Select File as amended.
E & R amendment to LB 360:
AM5071

1. On page 2, line 6, strike the first comma; in lines 7 and 22 strike the comma; and in line 23 strike the last comma.

LEGISLATIVE BILL 360A. Placed on Select File.

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendment to LB 265:
AM5072

1. On page 2, line 20, after "oath" insert "or affirmation".

LEGISLATIVE BILL 397. Placed on Select File.
LEGISLATIVE BILL 619. Placed on Select File.
LEGISLATIVE BILL 623. Placed on Select File.

LEGISLATIVE BILL 155. Placed on Select File as amended.
E & R amendments to LB 155:
AM5074

1. On page 1, line 3, after "on" insert "tinting,"; and in line 4 after "transparent" and "sunscreening" insert a comma.

2. On page 2, line 12, strike "Front" and insert "The front windshield"; and in line 13 after "vents" insert an underscored comma.

3. On page 3, line 20, after "camper" insert an underscored comma.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 143. Placed on General File.

LEGISLATIVE BILL 144. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Natural Resources

LEGISLATIVE BILL 616. Placed on General File as amended.
Standing Committee amendment to LB 616:
AM0636

1. On page 2, strike beginning with "shall" in line 9 through "including" in line 10 and insert "may include"; and in line 10 strike the comma.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by Lindsay, 9th District; Hartnett, 45th District.

WHEREAS, Creighton University is of vital importance to the State of Nebraska, providing quality higher education to over five thousand eight hundred individuals each year; and

WHEREAS, the Creighton University Bluejay basketball team has not won a Missouri Valley championship since the 1977-1978 season; and

WHEREAS, the news media picked the Creighton University Bluejay basketball team to finish seventh in the eighty-team conference; and

WHEREAS, the Creighton University Bluejay basketball team has won the conference championship; and

WHEREAS, the Bluejays have done so demonstrating excellent athletic skill, outstanding sportsmanship, superior team spirit, and uncommon persistence with their "never say die" attitude.

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

1. That the 1988-1989 Creighton University Bluejay basketball team is hereby commended and congratulated by the Legislature.

2. That a copy of this resolution be sent to Creighton coach Tony Barone and the Creighton basketball team.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 89011

DATE: February 27, 1989

SUBJECT: Constitutionality of LB 595, the Chemically Impaired Professionals Act; Does LB 595 involve an unconstitutional delegation of legislative authority?

REQUESTED BY: Senator Dan Lynch
Nebraska State Legislature

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

You have requested our opinion on LB 595, the Chemically Impaired Professionals Act. Specifically, you question whether provisions of the bill involve an impermissible delegation of legislative authority. We believe that there are constitutional problems with various portions of the bill. Our conclusions are discussed below.

LB 595, the Chemically Impaired Professionals Act, is apparently designed to provide a procedure to deal with and rehabilitate chemically impaired health professionals as an alternative to disciplinary proceedings against their professional licenses. Under the terms of the bill, a "monitoring body" would be designated for each health profession. The monitoring body, except in certain enumerated circumstances, would monitor the evaluation, treatment and rehabilitation of health professionals who are chemically impaired from the use of alcohol or drugs. Participation in a rehabilitation program authorized by a monitoring body would result in immunity from criminal prosecution and license suspension or revocation. The Department of Health could appoint "any qualified individual or group" to be a monitoring body. Therefore, under LB 595, a monitoring body could include private individuals or private groups.

When dealing with the delegation of authority to private individuals or groups, the general rule in Nebraska is that the Legislature may not delegate to private individuals either legislative or judicial functions. Summerville v. North Platte Valley Weather Control District, 170 Neb. 46, 101 N.W.2d 748 (1960); Nickel v. School Board of Axtell, 157 Neb. 813, 61 N.W.2d 566 (1954); Elliott v. Wille, 112 Neb. 78, 200 N.W. 347 (1924). There is some authority from other jurisdictions which indicates that private persons may be employed in an administrative capacity to carry a law into effect. See, 16 C.J.S. Constitutional Law §141, p. 454. However, there are no such cases in Nebraska, and we have previously taken the position that private individuals may not exercise governmental authority. For example, in our recent Opinion No. 89009, we indicated that the Nebraska School Activities Association could not be empowered to waive certain statutory waiting periods established under LB 183. Consequently, to the extent that LB 595 would allow a delegation of legislative or judicial authority to private individuals or private groups, it is suspect.

It seems to us that several portions of LB 595 would permit the delegation of legislative or judicial authority to the private individuals or private groups which might form a monitoring body under the bill. For example, when read together, sections 22 and 25 of the bill would allow a monitoring body to agree on a rehabilitation program for a chemically impaired health professional. The agreement would be on forms approved by the Department of Health, but the particulars of the agreement would be left to the monitoring body. This appears to allow a private body to independently make agreements affecting licensing decisions. Moreover, since such an agreement includes criminal immunity, the sections would, in effect, allow a private body

to independently confer criminal immunity. In addition, section 23 of LB 595 would allow a monitoring body to independently make decisions concerning surrender or holding a professional license, and under section 30 of the bill, a monitoring body could independently restore a professional license. Finally, it appears to us that section 32(2) of LB 595 would allow a monitoring body to independently set fees for practitioners who participate in a rehabilitation program without any guidelines as to the amount of those fees. All of these provisions involve situations where a private individual or group could independently exercise legislative or judicial authority. Therefore, we believe that those provisions of the bill are impermissible.

On the basis of your opinion request letter, you apparently believe that the situation envisioned by LB 595 would be little different than that where an agency contracts with other entities to perform certain functions. However, it seems to us that having a private entity independently make decisions and exercise legislative or judicial authority is quite different than contracting for a service to be performed under the supervision and with the approval of a governmental entity.

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

5-97-2

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

ANNOUNCEMENT

Mr. Hall designates LB 262 as his priority bill.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 89. Placed on General File as amended.
Standing Committee amendments to LB 89:
AM0629

1. On page 2, line 5, strike "and"; in line 6 strike "directed property tax relief"; and strike beginning with "and" in line 13 through "relief" in line

17.

2. On page 3, strike lines 5 through 10; in line 11 strike "(7)" and insert "(5)"; in line 18 strike "(8)" and insert "(6)"; in line 22 strike "(9)" and insert "(7)"; and in line 25 strike "which shall consist of the" and insert a period.

3. On page 4, strike beginning with "Salary" in line 1 through the period in line 5; in line 6 strike "Salary Increase Account" and insert "fund"; and strike beginning with the first comma in line 7 through "8" in line 9 and insert "and 6".

4. On page 5, strike beginning with "Salary" in line 19 through line 25 and insert "fund.".

5. On page 6, strike beginning with "between" in line 1 through "Account" in line 3 and insert "This section shall be fully funded. If there are any excess funds in the fund, such excess funds".

6. On page 7, strike beginning with "at" in line 16 through "Account" in line 18 and insert "the excess amount in the fund after the distribution made pursuant to section 5 of this act".

7. Strike original sections 7 and 8.

8. On page 9, lines 18 and 24, strike ", II, and III" and insert "and II"; and in line 19 strike the second "funds" and insert "been".

9. On page 10, line 6, strike ", II, or III" and insert "or II"; in line 9 before "It" insert "(1)"; and after line 12 insert the following new subsection:

"(2) The Legislature shall appropriate forty million dollars from the General Fund for fiscal year 1989-90 and seventy-five million dollars from the General Fund for fiscal year 1990-91 to fund sections 5 and 6 of this act.".

10. Renumber the remaining sections accordingly.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 250. Title read. Considered.

Standing Committee amendments, AM0202, found in the Journal on page 595 for the Twenty-First Day, were considered.

Mr. Withem offered the following Hall amendment, to the Standing Committee amendments:
AM0593
(Amendments to Standing Committee amendments, AM0202)
1. On page 1, strike beginning with "through" in line 3 through "courses" in line 4 and insert "by the integration of human relations training into an existing course or combination of existing courses".

The Hall amendment was adopted with 22 ayes, 0 nays, 13 present and not voting, and 14 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Nelson offered the following amendment:
FA44
Page 2, lines 23, 24, and 25 to read "The ability to translate knowledge of human relations into an appreciation and respect for our differences."
Page 3, lines 6, 7, and 8 to read "The ability to relate effectively to other individuals and to ethnic groups other than teacher's own.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nelson amendment lost with 13 ayes, 10 nays, 12 present and not voting, and 14 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 250A. 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.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 213. Placed on General File.

LEGISLATIVE BILL 701. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39. Introduced by Withem, 14th District.

WHEREAS, books and reading are the basic nourishment of a growing mind and the foundation of a child's future education and enrichment; and

WHEREAS, developing children into readers today is the best way of ensuring a literate and informed citizenry tomorrow; and

WHEREAS, the Book Industry Study Group and others have reported a decline in book reading among young people in recent years; and

WHEREAS, since 1983 the National Commission on Excellence, the Commission on Reading, and the Librarian of Congress have urged this nation to give renewed attention to encouraging a love of books and reading among our young people; and

WHEREAS, the Nebraska PTA and the Metropolitan Reading Council believe that reading is of central importance in educating our young people, and there is an urgent need to bring more young people into creative contact with books, reading, and libraries.

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

1. That the Legislature hereby designates 1989 as the Year of the Young Reader.

2. That the Legislature encourages the Governor to issue a proclamation encouraging parents, educators, libraries, and all citizens of the State of Nebraska to observe the Year of the Young Reader with appropriate programs, ceremonies, and activities aimed at giving children the gift, the joy, and the promise of reading.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 340. Title read. Considered.

Standing Committee amendments, AM0212, found in the Journal on page 595 for the Twenty-First Day, were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner withdrew his pending amendment, AM0319, found in the Journal on page 727.

Mr. Warner offered the following amendment:
AM0614

1. On page 3, line 20, strike the comma and insert "and"; and in line 21 strike ", and burial goods".

2. On page 4, line 5, strike "and burial goods".

3. On page 5, line 8, strike "or burial goods"; and in line 13 strike "or goods".

4. On page 6, lines 11 and 23, strike "or burial goods"; in line 14 strike "and"; and in line 15 strike "associated burial goods".

5. On page 7, lines 3, 8, 12, 14, 15, and 17, strike "or goods"; and in line 25 strike "or burial goods".

6. On page 8, line 21, strike the first comma and insert "or" and strike ", or burial"; and in line 22 strike "goods".

7. On page 9, lines 3 and 6 and 7, strike "or burial goods".

8. In the Standing Committee amendments, AM0212:

a. On page 1, strike beginning with "line" in line 5 through "in" in line 7; in line 7 after "12" insert a comma; and in line 16 strike "goods" and insert "remains";

b. On page 2, line 1, strike "or burial goods"; strike line 3 and insert " 'such remains'; in"; strike beginning with "in" in line 5 through "insert" in line 6 and insert "in line 12 after 'remains' insert"; in line 8 strike "goods" and insert "remains"; in line 13 strike "and"; in line 14 strike "goods"; in line 19 strike "and goods"; and in line 24 strike "and goods"; and

12 c. On page 3, line 2, strike "and goods".

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 5 nays, and 26 not voting.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beyer	Hefner	Kristensen	Moore	Warner
Byars	Johnson, L.	Langford	Peterson	Wehrbein
Coordsen	Johnson, R.	Lynch	Schellpeper	Weihing
Haberman	Korshoj			

Voting in the negative, 21:

Abboud	Conway	Hannibal	McFarland	Schmit
Baack	Crosby	Labedz	Pirsch	Smith
Bernard-Stevens	Dierks	Landis	Robak	Wesely
	Goodrich	Lindsay	Schimek	Withem
Chambers	Hall			

Present and not voting, 4:

Elmer	Hartnett	Nelson	Scofield

Excused and not voting, 7:

Ashford	Beck	Lamb	Morrissey	Rogers
Barrett	Chizek			

The Warner amendment lost with 17 ayes, 21 nays, 4 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 562. Placed on General File as amended.
Standing Committee amendments to LB 562:
AM0206

1. On page 2, line 9, strike "the first" and show as stricken; and in line 10 strike "Monday in" and show as stricken and after "August" insert "25".
2. On page 3, lines 7 and 12, strike "subsection" and insert "section".
3. On page 5, lines 3 and 7, after "reduce" insert ", lessen, put an end to, diminish, moderate, decrease, control, dispose of,"; in line 4 after "removal" insert "or encapsulation"; in line 9 strike "The"; in line 10 strike "term abatement shall" and show as stricken and strike "also include" and show the old matter as stricken; and strike lines 11 and 12 and show as stricken.

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 676	Wednesday, March 8, 1989 (cancelled)	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 704 in the Journal. No objections. So ordered.

FA45
to amend the committee amendment to LB 704 by striking "$500" and inserting "$300"

Mrs. Labedz asked unanimous consent to print the following amendment to LB 426 in the Journal. No objections. So ordered.

AM0620
1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. That section 77-3203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
77-3203. (1) In each county described in section 77-3201~~,~~ there is hereby created the Land Reutilization Commission~~,~~ which shall be composed of ~~five~~ three members, one of whom shall be appointed by the governing body of the most populous city within the county, one of whom shall be appointed by the board of county commissioners, and one of whom shall be appointed by the board of education of the school district serving the most populous city of the county. ~~, and the county treasurer and county assessor shall be ex officio members.~~ The ~~appointed~~ members shall serve at the pleasure of ~~their~~ the respective appointing authority and shall serve without compensation. The members ~~so appointed~~ may be employees of the appointing authority. ~~and shall serve without additional compensation.~~
(2) Any vacancy in the ~~appointive~~ office of commissioner shall be filled by the same appointing authority which made the original appointment.
Sec. 2. That original section 77-3203, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 426 in the Journal. No objections. So ordered.

AM0621
1. Insert the following new section:
"Sec. 3. That section 77-3203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3203. (1) In each county described in section 77-3201, there is hereby created the Land Reutilization Commission, which shall be composed of ~~five~~ three members, one of whom shall be appointed by the governing body of the most populous city within the county, one of whom shall be appointed by the board of county commissioners, and one of whom shall be appointed by the board of education of the school district serving the most populous city of the county. ~~, and the county treasurer and county assessor shall be ex officio members.~~ The ~~appointed~~ members shall serve at the pleasure of ~~their~~ the respective appointing authority and shall serve without compensation. The members ~~so appointed~~ may be employees of the appointing authority. ~~and shall serve without additional compensation.~~

(2) Any vacancy in the ~~appointive~~ office of commissioner shall be filled by the same appointing authority which made the original appointment.".

2. In the Standing Committee amendments, AM0088, strike amendment 2 and insert the following new amendment:

"2. On page 4, line 24, strike 'section 77-1725' and insert 'sections 57-234, 77-1725, and 77-3203'; and in line 25 strike 'is' and insert 'are'.".

MOTION - Introduce New Bills

Mr. Coordsen moved for the introduction of new bills by the Business and Labor Committee, Req. 1187 and Req. 1188.

Laid over.

UNANIMOUS CONSENT - Member Excused

Messrs. Moore and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 340. Considered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 162. Placed on General File.
LEGISLATIVE BILL 381. Placed on General File.
LEGISLATIVE BILL 574. Placed on General File.

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendments to LB 54:
AM0653

1. Strike original sections 1 and 2 and insert the following new sections:

"Sec. 2. That section 81-216.21, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-216.21. (1) Permits shall be required of those persons specified in the codes adopted by reference pursuant to sections 81-216.15 to 81-216.19. In addition, food processing establishments as defined in the Food Service Code and food storage establishments shall be required to hold permits. The procedures applicable to the issuance, suspension, or revocation of permits for food processing establishments and food storage establishments shall be as prescribed for food service establishments in Chapter 10 of the Food Service Code. Permits may be suspended or revoked for violation of the applicable provisions of ~~sections 81-216.01 to 81-216.37 and the Food Processing and Storage Code~~ the Nebraska Pure Food Act.

(2) As a condition precedent to the issuance of permits required pursuant to ~~sections 81-216.01 to 81-216.37~~ the Nebraska Pure Food Act, an applicant shall pay an initial permit fee of fifty dollars.

(3) Except as provided in subsections (6) ~~to~~ through (9) of this section and subsection (1) of section 81-216.27, permitholders shall pay annual inspection fees on or before August 1 of each year as follows:

(a) Food service establishments, nontemporary, fifty dollars plus fifteen dollars for each separate and

distinct food preparation area within the establishment other than the first such area;

(b) Mobile food units or pushcarts, fifty dollars plus five dollars per unit or pushcart;

(c) Temporary food service establishment, fifty dollars plus fifteen dollars for each additional food handling operation;

(d) Food processing establishment, fifty dollars plus fifteen dollars for each additional food handling operation within the establishment;

(e) Food storage establishment, fifty dollars plus fifteen dollars for each additional food handling operation within the establishment;

(f) Retail food store, fifty dollars plus fifteen dollars for each food preparation area within the store except the meat processing and produce handling areas;

(g) Salvage processing facility, fifty dollars plus fifteen dollars for each additional food handling operation within the establishment;

(h) Salvage distributor, fifty dollars plus fifteen dollars for each additional food handling operation within the establishment; and

(i) One to ten vending machines, ten dollars; eleven to twenty vending machines, twenty dollars; twenty-one to thirty vending machines, thirty dollars; thirty-one to forty vending machines, forty dollars; and over forty vending machines, fifty dollars.

(4) Whenever an establishment is engaged in more than one of the food handling activities listed under subsection (3) of this section, the inspection fee charged shall be based upon the primary activity conducted within the establishment as determined by the department.

(5) The department may impose a penalty for inspection fees which are more than one month delinquent. Such penalty may not exceed twenty percent of the fee for each month of delinquency.

(6) Educational institutions, health care facilities, nursing homes, and governmental organizations operating any type of food service establishment other than a mobile food unit or pushcart shall be exempt from the requirements in subsections (1) ~~to~~ through (5) of this section.

(7) Persons whose primary food-related business activity is determined by the department to be egg handling within the meaning of the Nebraska Graded Egg Act and who are validly licensed and paying fees pursuant to such act shall be exempt from the permit and inspection fee requirements of ~~sections 81-216.01 to 81-216.37~~ the Nebraska Pure Food Act.

(8) Persons holding permits or licenses and regulated under the Nebraska Pasteurized Milk Law or the Nebraska Manufacturing Milk Act and egg handlers licensed and regulated under the Nebraska Graded Egg Act shall be exempt from the provisions of ~~sections 81-216.01 to 81-216.37~~ the Nebraska Pure Food Act.

(9) Religious, charitable, and fraternal organizations operating any type of temporary food service establishment, mobile food unit, or pushcart shall be exempt from the requirements of subsections (1) ~~to~~ through (5) of this section. Any such organization operating any nontemporary food service establishment prior to July 1, 1985, shall be exempt from the requirements of subsection (2) of this section.

(10) Any nontemporary food service establishment required to have a permit under this section shall post a disclosure statement in a prominent place in the establishment which lists (1) the plant or animal source of cooking oil used by the establishment in the total or partial preparation of food within the establishment and (2) the percent of saturated fat of such cooking oil. The department shall inspect nontemporary food service establishments to determine compliance with this subsection. A person who fails to comply with this subsection shall be subject to a fifty dollar fine for the first offense and a three-day suspension of his or her permit for a subsequent offense.

Sec. 3. Wherever the phrase sections 81-216.01 to 81-216.37 appears in sections 54-1902, 81-216.12, 81-216.27, 81-216.33, 81-216.34, 81-216.35, 81-216.36, and 81-216.37, the Revisor of Statutes shall substitute the phrase the Nebraska Pure Food Act or, if appropriate, the phrase the act.".

2. On page 3, strike beginning with "sections" in line 2 through "81-216.37" in line 3, show as stricken, and insert "the Nebraska Pure Food Act"; in

line 8 strike "81-216.01 and"; and in line 9 after "81-216.02" insert "and 81-216.21".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 589. Indefinitely postponed.

LEGISLATIVE RESOLUTION 14CA. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 423. Placed on General File.

LEGISLATIVE BILL 380. Placed on General File as amended.
Standing Committee amendments to LB 380:
AM0637

1. Insert the following new section:

"Section 1. That section 44-4220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4220. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the business of health insurance and, in addition thereto, the power to carry out the provisions and purposes of the Comprehensive Health Insurance Pool Act, including the specific authority to:

(1) (a) Enter into contracts as are necessary or proper, including the authority, with the approval of the director, to enter into contracts with similar pools from other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions; and

(b) Enter into contracts, with the approval of the director, with any physician, hospital, or other person licensed or otherwise authorized in this state to furnish health care services for arranging a health care plan as defined in section 44-3206 or for participating in an insurance arrangement as defined in section 44-4104;

(2) Sue or be sued, including taking any legal

actions necessary or proper for recovery of any assessments for, on behalf of, or against pool members;

(3) Take such legal action as necessary to avoid the improper issuance of coverage provided by or through the pool;

(4) Establish appropriate rates and rate schedules, expense allowances, agents' solicitation and referral fees, claim reserves and formulas, and any other actuarial functions appropriate to the operation of the pool;

(5) Assess members of the pool at the end of each calendar year and make advance interim assessments as may be reasonable and necessary to provide for losses resulting from claims incurred under the act and for administrative, organizational, and interim operating expenses to assure the financial stability of the pool. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the calendar year. Assessments shall be due and payable within thirty days of receipt of the assessment notice;

(6) Issue policies of insurance in accordance with the requirements of the plan of operation and the act;

(7) Appoint from among members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the pool;

(8) Borrow money to effectuate the purposes of the act. Any notes or other evidence of indebtedness of the pool not in default shall be legal investment for insurers and may be carried as admitted assets; and

(9) Enter into reinsurance agreements and establish rules, conditions, and procedures for reinsuring risks under the act.".

2. On page 5, line 16, after "sections" insert "44-4220,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 467. Indefinitely postponed.
LEGISLATIVE BILL 476. Indefinitely postponed.
LEGISLATIVE BILL 759. Indefinitely postponed.

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 651. Placed on General File as amended.
Standing Committee amendment to LB 651:
AM0654

1. On page 2, strike beginning with "shall" in line 5 through "students" in line 6 and show as stricken; and strike beginning with "based" in line 7 through line 11, show the old matter as stricken, and insert: ":

(1) May grant awards to part-time undergraduate students enrolled in eligible postsecondary educational institutions up to the percentage that such part-time students represent of the total of all students enrolled in eligible postsecondary educational institutions;

(2) Shall set student eligibility limits based on the student's available financial resources; and

(3) Shall consult with the Nebraska Association of Student Financial Aid Administrators in determining award priorities.".

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendments to LB 319:
AM0657

1. On page 66, line 25, strike "premium for the full" and insert "earned premium".

2. On page 67, line 1, strike "policy term"; in line 2 strike "whether earned or unearned,"; and in line 5 strike "premium that represents".

(Signed) David Landis, Chairperson

VISITORS

Visitors to the Chamber were 50 third and fourth grade students and teachers from Hawthorne School, Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 2, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Richard Carlson, Union College Chaplain, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek and Mrs. Pirsch who were excused; and Messrs. Abboud, Bernard-Stevens, Conway, Hall, Lindsay, McFarland, Schmit, and Mrs. Beck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 744. Placed on Select File as amended.
E & R amendments to LB 744:
AM5077

1. On page 1, line 1, after "findings" insert "and intent".

2. On page 2, line 11; page 3, line 2; and page 4, line 13, strike "Nebraska's" and insert

"Nebraska".

3. On page 3, line 5, strike "specific".

4. On page 4, line 2, strike "an" and insert "the"; and in line 4 strike the comma.

LEGISLATIVE BILL 336. Placed on Select File as amended.
E & R amendments to LB 336:
AM5076

1. In the Standing Committee amendments, AM0169, on page 1, line 5, strike "13" and insert "15".

2. On page 5, line 3, strike "program" and insert "school".

(Signed) John C. Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 38. Read. Considered.

Messrs. Ashford and Abboud asked unanimous consent to have their names added as co-introducers to LR 38. No objections. So ordered.

Mr. Ashford offered the following amendment:
FA46

In the third Whereas paragraph, strike "eighty-team" and insert "eight team"

The Ashford amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LR 38 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Introduce New Bills

Mr. Coordsen renewed his pending motion, found in the Journal on page 929, for the introduction of new bills by the Business and Labor Committee, Req. 1187 and Req. 1188.

The Coordsen motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 810. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 811. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 391.

A BILL FOR AN ACT relating to securities; to amend section 8-1110, Reissue Revised Statutes of Nebraska, 1943; to add an exemption from registration 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, 43:

Abboud	Ashford	Baack	Barrett	Beyer

Byars	Hannibal	Lamb	Nelson	Scofield
Conway	Hartnett	Landis	Peterson	Smith
Coordsen	Hefner	Langford	Robak	Warner
Crosby	Johnson, L.	Lindsay	Rogers	Wehrbein
Dierks	Johnson, R.	Lynch	Schellpeper	Weihing
Elmer	Korshoj	McFarland	Schimek	Wesely
Goodrich	Kristensen	Moore	Schmit	Withem
Haberman	Labedz	Morrissey		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Beck	Bernard-Stevens	Chizek	Hall	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to state colleges; to amend section 85-316, Revised Statutes Supplement, 1988; to change a provision relating to claims for traveling expenses to other states 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	Chizek	Hall	Labedz	Morrissey
Ashford	Conway	Hannibal	Lamb	Nelson
Baack	Coordsen	Hartnett	Landis	Peterson
Barrett	Crosby	Hefner	Langford	Robak
Bernard-Stevens	Dierks	Johnson, L.	Lindsay	Rogers
Beyer	Elmer	Johnson, R.	Lynch	Schellpeper
Byars	Goodrich	Korshoj	McFarland	Schimek
	Haberman	Kristensen	Moore	Schmit

Scofield	Warner	Weihing	Wesely	Withem
Smith	Wehrbein			

Voting in the negative, 0.

Excused and not voting, 3:

Beck	Chambers	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2716, Revised Statutes Supplement, 1988; to change a provision relating to calculation of income tax; to change and provide adjustments to federal adjusted gross income as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Johnson, L.	Lynch	Schimek
Ashford	Crosby	Johnson, R.	McFarland	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Elmer	Kristensen	Morrissey	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Robak	Weihing
Byars	Hannibal	Langford	Rogers	Wesely
Chambers	Hartnett	Lindsay	Schellpeper	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Beck	Chizek	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 459.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2713, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715, 77-2716, and 77-2732, Revised Statutes Supplement, 1988; to eliminate liability of corporate officers and employees as prescribed; to change provisions relating to calculation of taxable income as prescribed; to provide for joint and several tax liability as prescribed; 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, 46:

Abboud	Coordsen	Johnson, L.	Lynch	Schimek
Ashford	Crosby	Johnson, R.	McFarland	Schmit
Baack	Dierks	Korshoj	Moore	Scofield
Barrett	Elmer	Kristensen	Morrissey	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Robak	Weihing
Byars	Hannibal	Langford	Rogers	Wesely
Chambers	Hartnett	Lindsay	Schellpeper	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Beck	Chizek	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 48 to Select File

Mr. Schmit moved to return LB 48 to Select File for the following specific amendment:

FA47
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 48.

A BILL FOR AN ACT relating to smokeless tobacco products; to state intent; to define terms; to prohibit promotional distribution; to provide for an injunction; and to provide civil penalties.

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?' "

Voting in the affirmative, 27:

Barrett	Hartnett	McFarland	Rogers	Warner
Byars	Hefner	Morrissey	Schellpeper	Wehrbein
Chambers	Johnson, L.	Nelson	Schimek	Weihing
Coordsen	Kristensen	Peterson	Scofield	Wesely
Crosby	Lamb	Robak	Smith	Withem
Dierks	Landis			

Voting in the negative, 16:

Abboud	Beyer	Haberman	Johnson, R.	Lynch
Baack	Conway	Hall	Labedz	Moore
Bernard-Stevens	Elmer	Hannibal	Lindsay	Schmit
	Goodrich			

Present and not voting, 3:

Ashford	Korshoj	Langford

Excused and not voting, 3:

Beck	Chizek	Pirsch

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 61.

A BILL FOR AN ACT relating to insurance; to provide for foreign insurer's approval as domestic insurers; to provide for domestic insurers to transfer domicile; to provide for continuation of business upon transfer of domicile; and to provide for rules and regulations.

Whereupon the 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	Hefner	Lindsay	Schimek
Ashford	Crosby	Johnson, L.	Lynch	Schmit
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Chambers	Hartnett	Langford	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Excused and not voting, 4:

Beck	Chizek	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 176 to Select File

Mr. McFarland moved to return LB 176 to Select File for the following specific amendment:

FA48
Strike the enacting clause.

Mr. McFarland withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to labor; to amend section 48-1102, Reissue Revised Statutes of Nebraska, 1943; to redefine the term disability; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Johnson, R.	McFarland	Schmit
Ashford	Dierks	Korshoj	Moore	Scofield
Baack	Elmer	Kristensen	Morrissey	Smith
Barrett	Goodrich	Labedz	Nelson	Warner
Bernard-Stevens	Haberman	Lamb	Peterson	Wehrbein
	Hall	Landis	Robak	Weihing
Beyer	Hartnett	Lindsay	Schellpeper	Wesely
Conway	Hefner	Lynch	Schimek	Withem
Coordsen	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 4:

Byars	Chambers	Hannibal	Langford

Excused and not voting, 4:

Beck	Chizek	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-141, Reissue Revised Statutes of Nebraska, 1943; to increase the rate for publication of legal notices; to provide for the negotiation of rates as prescribed; to provide other methods for publication of legal notice; and to repeal the original section.

Whereupon the 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	Hefner	Lindsay	Schimek
Ashford	Crosby	Johnson, L.	Lynch	Schmit
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Chambers	Hartnett	Langford	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Excused and not voting, 4:

Beck	Chizek	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 327.

A BILL FOR AN ACT relating to cities; to amend sections 19-405, 19-406, and 19-409, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to elections as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Conway	Hefner	Lindsay	Schimek
Ashford	Coordsen	Johnson, L.	Lynch	Schmit
Baack	Crosby	Johnson, R.	McFarland	Scofield
Barrett	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Kristensen	Morrissey	Warner
Beyer	Goodrich	Labedz	Nelson	Wehrbein
Byars	Haberman	Lamb	Peterson	Weihing
Chambers	Hall	Landis	Robak	Wesely
	Hannibal	Langford	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

Beck	Chizek	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 349.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.01, 44-416.03, and 44-416.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to credit for and reduction from liability for reinsurance as prescribed; 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, 43:

Abboud	Bernard-Stevens	Chambers	Dierks	Hall
Ashford	Beyer	Conway	Elmer	Hannibal
Baack	Byars	Coordsen	Goodrich	Hefner
Barrett		Crosby	Haberman	Johnson, L.

Johnson, R.	Landis	Moore	Schellpeper	Wehrbein
Korshoj	Langford	Morrissey	Schimek	Weihing
Kristensen	Lindsay	Nelson	Schmit	Wesely
Labedz	Lynch	Peterson	Scofield	Withem
Lamb	McFarland	Robak	Warner	

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Smith

Excused and not voting, 4:

Beck Chizek Pirsch Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 416.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,149 and 39-6,151, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to flashing or rotating lights on emergency and other vehicles 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, 38:

Abboud	Dierks	Johnson, R.	McFarland	Schmit
Ashford	Elmer	Kristensen	Moore	Scofield
Baack	Goodrich	Labedz	Morrissey	Smith
Barrett	Haberman	Lamb	Nelson	Wehrbein
Byars	Hall	Landis	Peterson	Weihing
Conway	Hannibal	Langford	Robak	Wesely
Coordsen	Hefner	Lindsay	Schellpeper	Withem
Crosby	Johnson, L.	Lynch		

Voting in the negative, 3:

Beyer	Chambers	Schimek	

Present and not voting, 4:

Bernard-Stevens	Hartnett	Korshoj	Warner

Excused and not voting, 4:

Beck	Chizek	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 502.

A BILL FOR AN ACT relating to irrigation districts; to amend section 13-514, Reissue Revised Statutes of Nebraska, 1943; to exempt irrigation districts from the requirements of the Nebraska Budget Act; to provide for public inspection of irrigation district budgets; and to repeal the original section.

Whereupon the 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	Crosby	Johnson, L.	Lynch	Schmit
Ashford	Dierks	Johnson, R.	McFarland	Scofield
Baack	Elmer	Korshoj	Moore	Smith
Barrett	Goodrich	Kristensen	Morrissey	Warner
Bernard-Stevens	Haberman	Labedz	Nelson	Wehrbein
	Hall	Lamb	Peterson	Weihing
Beyer	Hannibal	Landis	Robak	Wesely
Conway	Hartnett	Langford	Schellpeper	Withem
Coordsen	Hefner	Lindsay	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Byars	Chambers

Excused and not voting, 4:

Beck Chizek Pirsch Rogers

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: 391, 398, 458, 459, 48, 61, 176, 298, 327, 349, 416, and 502.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendments to LB 226:
AM0628

1. On page 3, line 15, after "teachers" insert "certified in special education for gifted children"; and in line 16 after "of" and line 18 after "two" insert "gifted".
2. On page 4, line 9, strike "July" and insert "October".
3. On page 5, strike beginning with "based" in line 9 through "population" in line 10; and in line 15 after "academy" insert ", including a followup evaluation of students who have attended the academy".

(Signed) Ron Withem, Chairperson

Agriculture

LEGISLATIVE BILL 49. Placed on General File as amended.
(Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0652.)

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 408. E & R amendment, AM5052, found in the Journal on page 684 for the Twenty-Sixth Day, was adopted.

Mr. Barrett renewed his pending amendment, AM0306, found in the Journal on page 692.

The Barrett amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Barrett withdrew his pending amendment, AM0424, found in the Journal on page 778.

Mr. Barrett renewed his pending amendment, AM0425, found in the Journal on page 778.

The Barrett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Barrett renewed his pending amendment, AM0434, found in the Journal on page 797.

The Barrett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 140. E & R amendments, AM5056, found in the Journal on page 693 for the Twenty-Sixth Day, were adopted.

Mr. Conway renewed the pending Chizek amendment, AM0359, found in the Journal on page 790.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chizek 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. No objections. So ordered.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved to indefinitely postpone LB 140.

Laid over.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 443. E & R amendment, AM5058, found in the Journal on page 747 for the Twenty-Ninth Day, was adopted.

Messrs. Chambers and Kristensen offered the following amendment:
AM0685

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 3, strike "and 28-320" and insert ", 28-320, and 28-320.01".

The Chambers-Kristensen 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 187. E & R amendments, AM5063, found in the Journal on page 765 for the Thirtieth Day, were adopted.

Mr. Haberman withdrew his pending amendment, AM0032, found in the Journal on page 768.

Mr. Lynch offered the following amendment:
AM0516

1. Insert the following new section:

"Section 1. That section 29-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1004. The cost of keeping and maintaining any prisoner ~~previous~~ (1) prior to his or her conviction of an offense punishable by imprisonment in the Department of Correctional Services adult correctional facility, ~~or~~ (2) either before or after his or her conviction of an offense not so punishable, or (3) when he or she has not been ~~shall not be~~ convicted of any offense~~,~~ shall be paid by the county in which the offense ~~may be~~ was committed~~,~~ or was alleged to have been committed. For purposes of this section, the cost

of keeping and maintaining a prisoner shall not include medical, surgical, psychiatric, and hospital services provided pursuant to sections 68-104 and 68-126 and sections 7 to 13 of this act but shall include the costs arising after a prisoner is determined to be mentally incompetent to stand trial.".

2. On page 3, line 16; page 11, line 9; and page 12, line 6, strike "6 to 12" and insert "7 to 13".

3. On page 13, strike line 25 and insert:

"Sec. 15. Section 1 to 11, 13, 14, and 16".

4. On page 14, line 4, after "sections" insert "29-1004,".

5. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lynch amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 187A. Mr. Lynch offered the following amendment:

AM0682

1. On page 2, line 2, strike "$577,069" and insert "$512,364"; in line 3 strike "$946,562" and insert "$846,715"; in line 11 strike "$38,978" and insert "$57,387"; in line 12 strike "$647,943" and insert "$579,046"; and in line 15 strike "$10,784,250" and insert "$10,940,650".

The Lynch amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 556. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 421. E & R amendment, AM5059, found in the Journal on page 766 for the Thirtieth Day, was adopted.

Mrs. Smith offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0650.)

The Smith amendment was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 516. Mr. Hall offered the following amendment:
AM0683

1. Insert the following new section:

"Sec. 2. That section 18-1739, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1739. The permit to be issued by the city or village clerk shall be a card ~~six~~ four inches by ~~twelve~~ four inches in size constructed so that it may be easily and conspicuously displayed from a vehicle's rearview mirror and on which is prominently displayed the date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and an identifying number on the front of the card. The color of the permit issued to handicapped or disabled persons or for the transportation of handicapped or disabled persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of temporarily handicapped or disabled persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the handicapped or disabled or temporarily handicapped or disabled person to whom issued shall appear on the reverse side. The name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall

appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of handicapped or disabled or temporarily handicapped or disabled persons.

No permit shall be issued to any person or for any motor vehicle if any valid parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to section 18-1741.

A duplicate permit may be provided by the city or village clerk without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued. ~~After November 1, 1987, all valid permits shall meet the specifications outlined in this section.~~".

2. On page 3, line 14, strike "section 18-1738" and insert "sections 18-1738 and 18-1739"; and in line 15 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

The Hall 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 214. E & R amendment, AM5060, found in the Journal on page 766 for the Thirtieth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 214A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 320. E & R amendments, AM5067, found in the Journal on page 794 for the Thirty-First Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 326. E & R amendments, AM5061, found in the Journal on page 795 for the Thirty-First Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 334. E & R amendment, AM5062, found in the Journal on page 796 for the Thirty-First Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 354A. Advanced to E & R for Engrossment.

MOTION - Place LB 161 on General File

Mr. R. Johnson moved that LB 161 be placed on General File pursuant to Rule 3, Sec. 19 (b).

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 2, 1989, at 11:05 a.m., were the following bills: 391, 398, 458, 459, 48, 61, 176, 298, 327, 349, 416, and 502.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendments to LB 542:
AM0455

1. On page 2, line 9, after the first comma insert "the State Miscellaneous Claims Act,"; in line 10 after the last comma insert "and"; in line 11 strike ", and (4) workers'"; in line 12 strike "compensation liability"; and in line 22 strike "or other law".

2. On page 6, line 14, after the period insert "The funds, or any part thereof, of any risk-loss trust may be invested as authorized in Chapter 44, article 3, for any domestic property and casualty insurance company.".

3. On page 7, after line 25 insert the following new subsection:

"(9) The director may adopt and promulgate reasonable rules and regulations necessary and proper to carry out this section.".

LEGISLATIVE BILL 606. Placed on General File as amended.
Standing Committee amendments to LB 606:
AM0571

1. Insert the following new section:

"Sec. 4. This act shall apply to credit agreements entered into on or after January 1, 1990.".

2. On page 2, line 22, before "A" insert "(1)"; and in line 23 after "action" insert "or assert a defense in an action based".

3. On page 3, after line 2 insert the following new subsection:

"(2) Subsection (1) of this section shall not apply to (a) credit extended on an account as defined in section 4-104, Uniform Commercial Code, (b) loans initiated by credit card or other type of transaction card, or (c) credit agreements as defined in subdivision (1)(b) of section 1 of this act unless the creditor, at the time of the initial loan of money or grant or extension of credit, has given to the debtor a written notice, signed or initialed by the debtor, which contains substantially the following language: A credit agreement must be in writing to be enforceable under Nebraska law. To protect you and us from any misunderstandings or disappointments, any amendment of, cancellation of, waiver of, or substitution for any or all of the terms or provisions of any instrument or document executed in connection with this loan must be in writing to be effective."; in line 5 after the first "of" insert "subsection (1) of"; and strike beginning with "as" in line 13 through "act" in line 14.

4. Renumber the remaining section accordingly.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 421. No objections. So ordered.

VISITORS

Visitors to the Chamber were eight seniors and teacher from Sacred Heart School, Falls City; students and teacher from Wilcox; 33

seventh grade students and teacher from Sandy Creek School, Fairfield; Mr. and Mrs. Darrell Henry from Coleridge; and ten students and teacher from Western Nebraska Community College, Sidney.

ADJOURNMENT

At 12:02 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 8:00 a.m., Friday, March 3, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 3, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 3, 1989

Pursuant to adjournment, the Legislature met at 8:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Chaplain Clarence L. Zwetzig, Bryan Memorial Hospital Chaplain, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chizek, Lynch, Withem, Mmes. Labedz, and Pirsch who were excused; and Messrs. Abboud, Ashford, Chambers, Conway, Hall, Hartnett, R. Johnson, Kristensen, Lindsay, McFarland, Morrissey, Warner, Wehrbein, Wesely, Mmes. Beck, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

March 1, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 74, 116, 208, 238, 263, 267, 273, and 344 were received in my office on February 24, 1989.

These bills were signed by me on March 1, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 471. Placed on General File as amended.
Standing Committee amendment to LB 471:
AM0678

1. On page 2, strike beginning with "in" in line 8 through "act" in line 9; and in line 16 strike "in effect on the effective date of this act".

LEGISLATIVE BILL 628. Placed on General File as amended.
Standing Committee amendment to LB 628:
AM0492

1. Strike original section 1 and insert the following new section:

"Section 1. That section 84-1411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting (a) by a method designated by each public body and recorded in its minutes or (b) by causing notice to be published once at least three days prior to the meeting in a legal newspaper published in the county in which the public body maintains its principal office or, if no legal newspaper is published in such county, then in any legal newspaper widely circulated in such county. Such notice shall be transmitted to all members of the public body and ~~to the public. Such notice~~ shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept

continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than ~~(a)~~ (i) twenty-four hours before the scheduled commencement of the meeting or ~~(b)~~ (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(3) When it is necessary to hold an emergency meeting without reasonable advance ~~public~~ publicized notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (2) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.".

LEGISLATIVE BILL 91. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Introduced by R. Johnson, 34th District.

PURPOSE:

The purpose of this resolution is to study the advisability of legislating the transfer of authority of the Douglas County Fair

Board to the Douglas County Board for the purpose of purchasing and operating the property of Ak-Sar-Ben. The study shall include, but not be limited to, a review of Legislative Bill 365, introduced in the Ninety-first Legislature, First Session, 1989, the possible applicability of transferring taxing and other authorities to other county boards, and other related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 41. Introduced by R. Johnson, 34th District.

PURPOSE:

The purpose of this resolution is to study the Ethanol Authority and Development Board's progress in reviewing applications and awarding grants or loans or otherwise investing in ethanol or other agricultural by-products production pursuant to the Ethanol Authority and Development Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 38 and LR 39.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to insurance; to amend sections 44-101.01, 44-102, 44-103, 44-105, 44-107, 44-107.03, 44-108, 44-108.01, 44-114, 44-116, 44-117, 44-119, 44-120, 44-122, 44-125, 44-127.04, 44-127.08, 44-127.14, 44-127.30, 44-129, 44-130, 44-133.01, 44-133.04, 44-137.01, 44-137.08, 44-137.10, 44-138, 44-139, 44-140, 44-141, 44-142, 44-147, 44-147.01, 44-147.02, 44-147.03, 44-147.04, 44-147.06, 44-152, 44-157, 44-201, 44-202, 44-202.01, 44-203, 44-205, 44-205.01, 44-206, 44-208, 44-208.01, 44-208.02, 44-208.05, 44-208.06, 44-208.07, 44-208.08, 44-210, 44-211, 44-212, 44-213, 44-213.06, 44-214, 44-216, 44-217, 44-218, 44-219, 44-220, 44-221, 44-222, 44-222.01, 44-222.02, 44-223, 44-224.01, 44-224.03, 44-224.04, 44-224.05, 44-224.07, 44-224.08, 44-231, 44-232, 44-234, 44-235, 44-236, 44-237, 44-238, 44-239, 44-240, 44-242, 44-243, 44-244, 44-246, 44-247, 44-301, 44-303, 44-304, 44-305, 44-319.02, 44-319.05, 44-319.11, 44-326, 44-336, 44-336.01, 44-336.02, 44-336.03, 44-336.04, 44-336.05, 44-336.06, 44-348, 44-351, 44-352, 44-356, 44-367, 44-379, 44-379.01, 44-380, 44-386.01, 44-386.05, 44-386.06, 44-386.08, 44-3,111, 44-3,112, 44-3,114, 44-3,115, 44-3,116, 44-3,117, 44-3,118, 44-401, 44-402, 44-501, 44-502.04, 44-503, 44-511, 44-514, 44-519, 44-709, 44-710, 44-710.01, 44-710.02, 44-710.03, 44-710.04, 44-710.05, 44-710.06, 44-710.07, 44-710.08, 44-710.09, 44-710.10, 44-710.11, 44-710.12, 44-710.13, 44-710.14, 44-710.15, 44-710.16, 44-710.18, 44-710.19, 77-736, 44-749, 44-756, 44-758, 44-761, 44-763, 44-764, 44-766, 44-767, 44-769, 44-779, 44-780, 44-781, 44-782, 44-805, 44-808, 44-1203, 44-1402, 44-1410, 44-1435, 44-1444, 44-1453, 44-1465.01, 44-1480, 44-1523, 44-1525, 44-1533, 44-1605, 44-1607, 44-1607.01, 44-1614, 44-1708, 44-1806, 44-1908, 44-1911, 44-1914, 44-1915, 44-1916, 44-2002, 44-2008, 44-2106, 44-2112, 44-2117, 44-2201, 44-2204, 44-2205, 44-2206, 44-2219, 44-2220, 44-2402, 44-2407, 44-2408, 44-2502, 44-2503, 44-2606, 44-2609, 44-2614, 44-2615, 44-2618, 44-2621, 44-2622, 44-2623, 44-2627, 44-2628, 44-2633, 44-2634, 44-2635, 44-2705, 44-2713, 44-2916, 44-3112, 44-3211, 44-3231, 44-3233, 44-3236, 44-3239, 44-3244, 44-3247, 44-3263, 44-3270, 44-3277, 44-3285, 44-3310, 44-3403, 44-3501, 44-3502, 44-3602, 44-3611, 44-3714, 44-3717, 44-3804, 44-3810, 44-3902, 44-3903, 44-3904, 44-3905, 44-4002, 44-4005, 44-4010, 44-4015, 44-4017, 44-4019, 44-4020, 44-4022, 44-4033, 44-4035,

44-4037, 44-4103, 44-4209, 44-4210, 44-4307, 44-4421, 44-4508, 44-4509, 44-4510, 44-4512, 71-2069, and 77-908, Reissue Revised Statutes of Nebraska, 1943; to change internal references as prescribed; to define, redefine, and eliminate terms; to authorize the Department of Insurance to employ persons as prescribed; to provide for confidentiality and limit liability as prescribed; to change, eliminate, and provide fees; to change provisions relating to examinations; to change references to stockholders; to change a provision requiring examination of a company increasing or reducing its capital stock; to change provisions relating to surplus lines licenses and policies; to change requirements for the granting of certificates of authority as prescribed; to limit the expenses for distribution and sale of stock and stock subscriptions; to change requirements for members of the board of directors of insurance corporations; to change references to policyholders of mutual companies; to change capital stock requirements; to change minimum surplus requirements; to change provisions relating to articles of incorporation; to provide for the applicability of the Nebraska Business Corporation Act to insurance corporations; to eliminate a restriction on organizational expenses; to eliminate references to burial associations and governmental retirement systems; to change security deposit, bond, and other depository requirements; to change a provision relating to records required for certain disbursements; to require approval of policies, bonds, and certificates as prescribed; to provide grounds for the suspension of a license; to require filing of contracts of association; to change a provision relating to valuation of reserves; to authorize variances from standard policies as prescribed; to restrict certain provisions relating to life and endowment insurance; to change the requirements for mailed notices; to change provisions relating to fire marine or liability insurance; to eliminate a requirement of notice of cancellation or nonrenewal; to require a notice on each policy stating that the policy may be returned and premiums refunded; to change the time limit for certain defenses as prescribed; to change the time limit for nonrenewal of policies as prescribed; to provide for the direct payment of certain benefits to health care providers; to change a provision relating to reciprocal insurance; to change provisions relating to adoption and promulgation of rules and regulations; to change the amount payable for funeral and illness expenses as prescribed; to provide for issuance of life insurance on a franchise or wholesale basis; to eliminate an exemption from certificate of authority requirements; to change requirements for insurance consultant licensure as prescribed; to change the expiration date of certain licenses; to require the filing of medicare supplement policy advertising materials; to eliminate a

provision relating to offering of prepaid dental service prior to July 17, 1982; to transfer and change provisions relating to education requirements for certain licensees; to exempt certain persons from examination requirements; to change provisions of the Insurance Producers Licensing Act; to eliminate an audit provision; to change references to funds; to transfer sections as prescribed; to change provisions relating to foreign and alien insurance companies, lines of insurance, annual meetings, appeals, and hearings; to provide powers and duties for the Director of Insurance; to change penalty provisions; to provide for the valuation of loss reserves; to change sickness and accident policy provisions and requirements; to change group life insurance provisions; to change duties relating to listing reciprocal states; to provide duties for the Revisor of Statutes; to eliminate provisions relating to unauthorized insurers; to eliminate a provision applicable to companies licensed on July 16, 1913; to eliminate a prohibition on scaled contracts; to eliminate certain liability provisions; to eliminate provisions relating to guaranty capital certificates; to eliminate provisions relating to false statements, misrepresentation, twisting, discrimination, inducements, and rebates; to eliminate provisions relating to cash surrender values, reserves, and the exchange of certain certificates without a loss; to eliminate provisions regulating issuance of insurance as a condition of a loan or financing a sale; to eliminate provisions relating to workers' compensation companies, adjuster's investigations, and unlawful combinations; to eliminate provisions relating to participating and nonparticipating business; to eliminate provisions relating to misleading or deceptive advertising; to eliminate exemptions of benefits from legal process; to eliminate provisions relating to assessment hail associations; to eliminate a provision relating to study materials; to eliminate a provision relating to health maintenance organizations; to eliminate provisions which authorize nonprofit hospital service corporations; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 21-1509, 21-1509.01, 21-1510, 21-1512, 21-1514, 21-1515, 21-1516, 21-1518, 44-137.09, 44-148, 44-153, 44-158, 44-203.01, 44-209, 44-219.04, 44-219.05, 44-219.06, 44-219.07, 44-219.08, 44-219.09, 44-306, 44-323, 44-324, 44-362, 44-363, 44-364, 44-365, 44-366, 44-368, 44-382, 44-383, 44-384, 44-385, 44-3,100, 44-3,101, 44-3,104, 44-3,105, 44-3,106, 44-410, 44-411, 44-412, 44-413, 44-604, 44-624, 44-625, 44-626, 44-627, 44-708, 44-750, 44-751, 44-752, 44-754, 44-813, 44-813.01, 44-814, 44-815, 44-816, 44-817, 44-818, 44-819, 44-820, 44-3212, and 44-4021, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1513, 21-1519, 21-1520, and 21-1521, Revised Statutes Supplement, 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:

Ashford	Crosby	Johnson, L.	Morrissey	Schmit
Baack	Dierks	Korshoj	Nelson	Scofield
Barrett	Elmer	Kristensen	Peterson	Smith
Beck	Goodrich	Lamb	Robak	Warner
Beyer	Haberman	Landis	Rogers	Wehrbein
Byars	Hall	Langford	Schellpeper	Weihing
Conway	Hannibal	Lindsay	Schimek	Wesely
Coordsen	Hefner	Moore		

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Chambers	Johnson, R.	Lynch	Pirsch
Bernard-Stevens	Chizek	Labedz	McFarland	Withem
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Ninety-first Legislature, First Session, 1989.

Whereupon the 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:

Ashford	Byars	Elmer	Hefner	Lindsay
Baack	Conway	Goodrich	Kristensen	Moore
Barrett	Coordsen	Haberman	Lamb	Morrissey
Beck	Crosby	Hall	Landis	Nelson
Beyer	Dierks	Hannibal	Langford	Peterson

Robak	Schimek	Scofield	Warner	Weihing
Rogers	Schmit	Smith	Wehrbein	Wesely
Schellpeper				

Voting in the negative, 0.

Present and not voting, 2:

Johnson, L. Korshoj

Excused and not voting, 11:

Abboud	Chambers	Johnson, R.	Lynch	Pirsch
Bernard-Stevens	Chizek	Labedz	McFarland	Withem
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 362. Mrs. Smith offered the following amendment:
AM0450

1. On page 13, line 9, strike "twenty-five" and insert "twelve".

The Smith 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 362A. Mr. Wesely offered the following amendment:
AM0698

1. On page 2, line 4, strike "$426,433" and insert "$376,433" and strike "$426,535" and insert "$376,434"; in line 16 strike "$97,977" and insert "$65,978" and strike "$154,022" and insert "$186,022"; and in line 18 strike "$411,448" and insert "$209,848" and strike "$646,802" and insert "$848,402".
2. On page 3, line 3, strike "$1,226,181" and insert "$645,557" and strike "$1,927,577" and insert "$1,014,826"; in line 5 strike "$1,889,419" and insert

"$1,439,869"; and in line 6 strike "$2,970,197" and insert "$2,263,497".

The Wesely 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 92 and 92A.

SELECT FILE

LEGISLATIVE BILL 489. E & R amendment, AM5064, found in the Journal on page 796 for the Thirty-First Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 318. E & R amendment, AM5066, found in the Journal on page 318 for the Thirty-First Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 440. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 154. E & R amendment, AM5065, found in the Journal on page 796 for the Thirty-First Day, was adopted.

Mr. Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM0548.)

Mrs. Smith offered the following amendment to the pending Hall amendment:
FA49
On page 14, line 9, strike "five hundred" and insert "three hundred."

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mrs. Smith 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 Smith amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment to the pending Hall amendment:
FA50
by striking the words "or wine" in line 21 page 13 and insert the word "or wine" in line 21 after the word "liquor" and page 14 add the words "or wine" in line 10 after the word liquor.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 3 nays, and 28 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment lost with 11 ayes, 16 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Smith offered the following amendment to the pending Hall amendment:
FA51
p 13, line 17, strike beginning with "has" through the comma in line 18.

The Smith amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Hall amendment, as amended, was adopted with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 681. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0608.)

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 492. Placed on General File as amended. Standing Committee amendments to LB 492:
AM0695

1. On page 4, line 12, after "deeds" insert "pursuant to this subsection"; strike beginning with "the" in line 13 through "act" in line 14 and insert "establishing such an office"; in line 15 strike "on" and insert "immediately prior to"; and strike beginning with "unless" in line 21 through line 25 and insert an underscored period.

2. On page 5, strike lines 1 through 17.

(Signed) Dennis Baack, Chairperson

General Affairs

LEGISLATIVE BILL 778. Placed on General File as amended. Standing Committee amendments to LB 778:
AM0551

1. On page 3, line 13, strike "such application is received by" and insert "notice of the date and location of the event is filed by the applicant with".

2. On page 6, strike lines 3 through 17.

(Signed) Jacklyn Smith, Chairperson

ANNOUNCEMENT

Mr. Lynch designates LB 89 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 810, 811, and Governor appointments.

LB	Committee
810	Business and Labor
811	Business and Labor

Business and Labor
Robert W. Allen - Boiler Safety Code Advisory Board
Raymond O. Farris - Boiler Safety Code Advisory Board
Robert F. Lundeen - Boiler Safety Code Advisory Board
Timothy G. Wentz - Boiler Safety Code Advisory Board

Health and Human Services
Patricia A. McQuillan - State Board of Health

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 42. Introduced by R. Johnson, 34th District.

WHEREAS, the Nebraska Wesleyan University basketball team is the champion of the Nebraska Intercollegiate Athletic Conference; and

WHEREAS, the Nebraska Wesleyan University basketball team is making its sixth straight appearance in the NCAA Division III Men's Basketball Tournament; and

WHEREAS, the Nebraska Wesleyan University basketball team is trying for its fourth appearance in the NCAA Final Four in the last five years; and

WHEREAS, the accomplishments of the Nebraska Wesleyan University basketball team and Coach Jerry Schmutte deserve special recognition.

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

1. That the Legislature commends and congratulates the Nebraska Wesleyan University basketball team.

2. That a copy of this resolution be sent to Coach Jerry Schmutte for presentation to the team.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1989, at 10:10 a.m., were the following bills: 92 and 92A.

(Signed) Randy Tippin, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Monday, March 13, 1989 1:30 p.m.
Ann L. Spence - Nebraska Arts Council

(Signed) Jacklyn Smith, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 2, 1989. 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	National Tax Limitation Committee National Taxpayers Union
Carpenter, Fayette C. - Lincoln	Association of Nebraska Community Action Agencies
Cutshall, Bruce A. - Lincoln	Nebraska Hospital Association
DeCamp Legal Services, P.C. DeCamp, John - Lincoln	British Consulate General
Green, John K. - Omaha	Papillion/LaVista School District
Pappas, James E. - Lincoln	Cutshall, Bruce A.
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln (Withdrawn 89/02/28)	Bosselman, Inc. (Withdrawn 89/02/28)
Shoemaker, Randy - Lincoln	Lincoln Lodging Association
Spray, J. L. - Lincoln	Speedy Distributing, Inc.

Wright, Norman H. - Omaha	National Tax Limitation Committee National Taxpayers Union
Zabel, Judy - Lincoln	Nebraska Family Council

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 441. E & R amendment, AM5069, found in the Journal on page 913 for the Thirty-Sixth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 360. E & R amendment, AM5071, found in the Journal on page 917 for the Thirty-Seventh Day, was adopted.

Mr. Schellpeper renewed his pending amendment, AM0598, found in the Journal on page 893.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The Schellpeper amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 360A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 397. Considered.

Mr. Schellpeper and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. R. Johnson and Lamb asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved to bracket LB 397 until March 13th, 1989.

Messrs. Hannibal and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen withdrew his motion to bracket.

Mr. Schmit requested a machine vote on the advancement of the bill.

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 the advancement of the bill.

Voting in the affirmative, 21:

Abboud	Crosby	Hartnett	Langford	Nelson
Ashford	Dierks	Korshoj	Lindsay	Rogers
Baack	Haberman	Kristensen	McFarland	Schimek
Chambers	Hall	Landis	Morrissey	Wehrbein
Conway				

Voting in the negative, 8:

Coordsen	Johnson, L.	Schmit	Warner	Weihing
Hefner	Robak	Scofield		

Present and not voting, 8:

Barrett	Beyer	Goodrich	Peterson	Wesely
Beck	Byars	Moore		

Excused and not voting, 12:

Bernard-Stevens	Elmer	Labedz	Pirsch	Smith
	Hannibal	Lamb	Schellpeper	Withem
Chizek	Johnson, R.	Lynch		

Failed to advance to E & R for Engrossment with 21 ayes, 8 nays, 8 present and not voting, and 12 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 183. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5078.)

LEGISLATIVE BILL 183A. Placed on Select File.

LEGISLATIVE BILL 250. Placed on Select File as amended.
E & R amendments to LB 250:
AM5079

1. In the Standing Committee amendments, AM0202, on page 1, line 12, strike "23" and insert "24" and strike "(c)" and insert "(d)"; in line 13 strike "relationships" and insert "relations"; and strike beginning with "(d)" in line 17 through the first quotation marks in line 18.

2. On page 1, line 5, strike "competency" and insert "training".

3. On page 2, line 20, after "discrimination" insert an underscored comma.

4. On page 4, in lines 1 and 2 strike the new matter.

5. On page 5, strike beginning with "State" in line 22 through "Education" in line 23, show as stricken, and insert "board".

6. On page 9, line 13, strike "State Board of Education", show as stricken, and insert "board".

7. On page 11, line 3, strike "such", show as stricken, and insert "the"; in lines 4 and 5 reinstate the stricken matter; and in line 5 strike "pursuant to".

LEGISLATIVE BILL 250A. Placed on Select File.

LEGISLATIVE BILL 340. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5080.)

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 533. Placed on General File.

LEGISLATIVE BILL 245. Indefinitely postponed.

LEGISLATIVE BILL 509. Placed on General File.

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendments to LB 78:
AM0671

1. Insert the following new sections:

"Sec. 10. That section 75-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-136. If a party to any proceeding is not satisfied with the order entered by the commission other than an order entered under sections 15 to 17 of this act, such party may appeal to the Supreme Court as provided in section 75-137 to reverse, vacate, or modify the order. In the case of an order entered under sections 15 to 17 of this act, the party may (1) seek the review of the Supreme Court as provided in section 75-137 or (2) seek judicial review of the order under section 11 of this act. Subdivisions (1) and (2) of this section are mutually exclusive and the choice of either section 75-137 or section 11 of this act shall govern the appeal process.

Sec. 11. (1) Proceedings for review of an order entered under sections 15 to 17 of this act shall be instituted by filing a petition in the district court of Lancaster County or in the district court of the county in which the party is domiciled within thirty days after the date of the mailing of a copy of the order by the commission to the party appealing. All parties of record shall be made parties to the proceedings for review. Summons shall be served within thirty days of the filing of the petition in the manner provided for service of a summons in a civil action. The court, in its discretion, may permit other interested persons to intervene. The filing of the petition or the service of the summons upon the commission shall not automatically stay enforcement of a decision. The commission may stay enforcement of a decision, or the court may order a stay after notice to the commission of application for a stay upon such terms as it deems proper and shall require the party requesting such stay to give bond in the amount specified in the order entered under sections 15 to 17 of this act and conditioned as the court directs. Within fifteen days after service of the petition or within such further time as the court for good cause

shown allows, the commission shall prepare and transmit to the court the verbatim testimony transcribed by the official stenographer, including all exhibits, which shall constitute the bill of exceptions. The pleadings, order appealed, and bill of exceptions duly certified to by the secretary of the commission shall constitute the complete record. A copy of the original order appealed, certified to be a true and correct copy by the secretary or a commissioner, shall be admitted in evidence as prima facie evidence of every fact found and that such order is prima facie just and reasonable.

(2) The review shall be conducted by the court without a jury on the record of the commission.

(3) The court may affirm the decision of the commission or remand the case for further proceedings or may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the commission; or

(c) Arbitrary or capricious.

(4) The commission or such party shall have the right to appeal the decision of the district court to the Supreme Court under the same rules now provided by law for appeals to the Supreme Court, except that in no case shall security for such appeal be required when security is taken by the commission.

(5) The review provided by this section shall not be available in any case when other provisions of law prescribe the method of appeal.

Sec. 26. (1) A transportation cooperative consisting of cooperative associations as defined in 12 U.S.C. 1141j, as amended, may provide transportation service solely to its member cooperative associations without applying for or receiving a certificate or permit from the commission to provide such service if it shall meet the following requirements:

(a) The transportation cooperative has no greater power or purpose other than to provide service to its member cooperative associations;

(b) The transportation cooperative has its principal place of business in the State of Nebraska and has been incorporated under the laws of the State of

Nebraska;

(c) Each member cooperative association has its principal place of business in the State of Nebraska and has been incorporated under the laws of the State of Nebraska;

(d) The voting control and all other indicia of ownership of the transportation cooperative is vested in the member cooperative associations;

(e) The transportation cooperative provides transportation service solely to its member cooperative associations;

(f) The transportation cooperative files a notice with the commission identifying a new member at least thirty days prior to the provision of service to the new member;

(g) The transportation cooperative maintains insurance coverage consistent with the commission's requirements;

(h) Each driver utilized by the transportation cooperative is exclusively the employee of the transportation cooperative;

(i) The transportation cooperative does not directly or indirectly lease equipment from any employee of the transportation cooperative;

(j) The transportation cooperative owns or has long-term leases for all equipment used by it to provide service and a copy of each such lease is filed with the commission; and

(k) The transportation cooperative files an annual report for the preceding year with the commission. The report shall be filed on October 15, 1989, and by April 30 each year thereafter. The report shall identify the transportation cooperative's members, the power units it owns, and the liability insurance coverage it maintains.

(2) Each transportation cooperative formed after the effective date of this act shall file a report containing all the information required to be filed under subdivision (1)(k) of this section with the commission at least thirty days prior to the commencement of service to its cooperative association members.

(3) A cooperative association comprised of other cooperative associations may not qualify as a

member of a transportation cooperative for purposes of this section.

(4) If a transportation cooperative operates as a for-hire carrier in violation of this section, the transportation cooperative shall no longer qualify to furnish transportation service as provided in this section and shall be subject to the penalties provided in section 75-155 and sections 15 to 17 of this act for operating as a common or contract carrier without a certificate or permit.".

2. On page 5, line 19, strike "IV felony" and insert "III misdemeanor".

3. On page 9, line 12; page 11, line 12; page 16, line 25; page 17, line 25; page 19, line 13; page 23, line 20; page 24, line 8; page 26, line 1; page 28, line 13; page 29, lines 3 and 4 and 18; page 30, lines 16 and 17; page 31, line 21; and page 32, line 9, strike "13 to 15" and insert "15 to 17".

4. On page 14, line 24, strike "If" and insert "The"; and strike line 25.

5. On page 15, strike lines 1 and 2; strike beginning with "to" in line 6 through the first comma in line 7 and insert "in light of"; and in line 7 strike the second comma.

6. On page 16, lines 4 and 12, strike "13" and insert "15".

7. On page 27, line 4, after the period insert "The commission may, in its discretion and under such rules and regulations as it shall prescribe, require a commercially licensed motor carrier of property excepted by section 75-303 which is not otherwise required to register with the commission pursuant to sections 75-348 to 75-358 to conform to the same filing and approval requirements."; in line 6 strike "such", show as stricken, and insert "certificated"; and strike the new matter in lines 6 through 9.

8. On page 32, line 18, after the second comma insert "75-136,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 131. Placed on General File as amended.
Standing Committee amendment to LB 131:

AM0582

1. On page 7, strike the new matter and reinstate the stricken matter in lines 1 through 3 and after the reinstated "(d)" insert "power unit hay grinders or a combination which includes a power unit and hay grinder when operated without cargo,".

LEGISLATIVE BILL 538. Indefinitely postponed.
LEGISLATIVE BILL 576. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

AM0686

(Amendments to Final Reading copy)

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 79-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-102. School districts in this state ~~are~~ shall be classified as follows:

(1) Class I shall include any school district that maintains only elementary grades under the direction of a single school board;

(2) Class II shall include any school district embracing territory having a population of one thousand inhabitants or less that maintains both elementary and high school grades under the direction of a single school board;

(3) Class III shall include any school district embracing territory having a population of more than one thousand and less than one hundred thousand inhabitants that maintains both elementary and high school grades under the direction of a single board of education;

(4) Class IV shall include any school district embracing territory having a population of one hundred thousand or more and less than two hundred thousand inhabitants that maintains both elementary and high

school grades under the direction of a single board of education;

(5) Class V shall include any school district embracing territory having a population of two hundred thousand or more inhabitants that maintains both elementary grades and high school grades under the direction of a single board of education; and

(6) ~~Class VI~~ Regional high school system shall include any school district in this state that maintains only a high school.

Sec. 2. That section 79-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1101. All school districts organized as of ~~August 27, 1949,~~ the effective date of this act as ~~rural high~~ Class VI school districts ~~or as county high school districts,~~ and all school districts hereafter formed as high school districts only, shall be ~~school districts of the sixth class~~ regional high school systems.

Sec. 4. The Revisor of Statutes shall substitute the term regional high school system or system, as appropriate, for each reference to Class VI school district or school district of the sixth class contained in any section of law.

Sec. 5. That original sections 79-102, 79-1101, and 79-1103, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 2, strike "section" and insert "sections 79-102, 79-1101, and"; in line 3 after the semicolon insert "to change references to Class VI school districts to regional high school systems;" and strike "Class"; in line 4 strike "VI school districts" and insert "regional high school systems"; in line 6 after the semicolon insert "to provide a duty for the Revisor of Statutes;"; and in line 7 strike "section" and insert "sections".

3. On page 2, lines 4 and 5, strike "Class VI school district", show the old matter as stricken, and insert "regional high school system"; in lines 20 and 21 strike "Class VI school districts", show the old matter as stricken, and insert "regional high school systems"; and in line 24 strike "Class VI school district", show as stricken, and insert "regional high school system".

4. On page 3, line 1, strike "Class VI school

districts" and insert "regional high school systems".

5. On page 5, line 14, strike "Class VI school districts", show the old matter as stricken, and insert "regional high school systems".

6. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 408 and 443.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:
ER6127

1. On page 8, line 19, "they" has been struck and "he or she" inserted; and in line 20 "attend" has been struck and "attends" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 43. Introduced by Coordsen, 32nd District; Wesely, 26th District; Hartnett, 45th District; Landis, 46th District; Baack, 47th District; Hall, 7th District; Warner, 25th District.

WHEREAS, Nebraska citizens and the Legislature are benefitting enormously from the New Horizons project led by Speaker Bill Barrett; and

WHEREAS, the New Horizons initiative of sponsoring a televised legislative hearing on property taxes on March 1, 1989, was by all accounts a great success and a nationwide first; and

WHEREAS, the success of this event was in large part due to the excellent efforts of Speaker Barrett, legislative staff, Nebraska

Educational Television Network personnel, and the public-spirited citizens who participated.

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

1. That the Legislature gratefully recognizes these efforts of Speaker Barrett, the staff of the New Horizons project, the staff of the Nebraska Educational Television Network, and the participating citizens.

2. That copies of this resolution be provided to the following persons in recognition of their efforts: Rod Armstrong, Dick Hargesheimer, Ron Bowmaster, and other staff of the Legislative Research Division; Sandy Myers, Tom Berquist, and other staff of the Legislative Fiscal Office; Jack McBride, Bill Ganzel, Hubert Brown, and other supporting staff members from Nebraska Educational Television Network; Milan Wall, Vicki Luther, and other staff of the Heartland Center for Leadership Development; former Tax Commissioners Don Leuenberger, Murrell McNeil, and Fred Herrington; Jerome Diechert of the University of Nebraska at Omaha Center for Applied Urban Research and Bruce Johnson of the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources; and Ann Meese of the Lancaster County Assessor's office.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 346A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 129A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 129, Ninety-first Legislature, First Session, 1989; and to adjust an appropriation as prescribed.

LEGISLATIVE BILL 447A. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, Ninety-first Legislature, First Session, 1989.

VISITORS

Visitors to the Chamber were students and teacher from Trenton.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Monday, March 6, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 6, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 6, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Richard Johnson, Temple Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Lynch, and Peterson who were excused; and Messrs. Abboud, Baack, Conway, Haberman, R. Johnson, Moore, Warner, Mmes. Beck, Labedz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Read. Considered.

LR 43 was adopted with 25 ayes, 1 nay, and 23 not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 810	Monday, March 13, 1989	1:30 p.m.
LB 811	Monday, March 13, 1989	1:30 p.m.

(Signed) George Coordsen, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 407. Placed on General File as amended.
Standing Committee amendments to LB 407:
AM0351

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 or the State of Nebraska, 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. Whenever the State of Nebraska separates an employee from the payroll, the unpaid wages

shall become due within thirty days of the next regular payday, within thirty days of the date of termination, or within thirty days of the end of the appropriate personal services contract period, whichever is sooner.".

2. On page 2, line 12, after "employee" insert ". Employer shall include the State of Nebraska" in line 22 strike "section" and insert "sections" and after "48-1229" insert "and 48-1230"; and in line 23 strike "is" and insert "are".

LEGISLATIVE BILL 419. Indefinitely postponed.
LEGISLATIVE BILL 453. Indefinitely postponed.
LEGISLATIVE BILL 679. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 147A. 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 224. Title read. Considered.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 224.

Mr. Ashford 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. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Chambers motion to indefinitely postpone lost with 13 ayes, 29 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

ANNOUNCEMENTS

The Transportation Committee designates LB 285 as its priority bill.

Mr. Rogers designates LB 574 as his priority bill.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 638. Placed on General File as amended.
Standing Committee amendments to LB 638:
AM0701

1. On page 2, line 21, strike "In printing" and show as stricken.

2. On page 3, line 9, strike beginning with the first "the" in line 9 through "hour" in line 11 and insert "The names of the candidates shall be placed on the ballot by lot, based on a public drawing conducted by the city clerk no later than the close of the working day next following the filing deadline".

3. On page 6, line 4, strike "In printing" and show as stricken; and strike beginning with the first "the" in line 17 through "hour" in line 19 and insert "The names of the candidates shall be placed on the ballot by lot, based on a public drawing conducted by the city clerk no later than the close of the business day next following the filing deadline".

4. On page 10, strike beginning with "Except" in line 5 through "the" in line 6 and insert "The".

5. On page 11, strike beginning with the underscored comma in line 1 through "hour" in line 3 and insert "by lot, based on a public drawing conducted by the county clerk or election commissioner no later than the close of the business day next following the filing deadline".

6. On page 12, line 3, after the colon begin

paragraphing and insert "(1)"; and after the period in line 13 insert:

"(2) The name of any petition candidate shall follow the names of all other candidates for a given office and, when there are two or more petition candidates, their names shall be arranged by lot, based on a public drawing conducted by the official in charge of determining ballot order no later than the close of the business day next following the filing deadline.

(3)".

7. On page 13, strike beginning with "in" in line 2 through "hour" in line 3 and insert "by lot, based on a drawing conducted by the county clerk or election commissioner no later than the close of the business day next following the filing deadline"; and strike beginning with "and" in line 22 through line 25, show the old matter as stricken, and insert "shall be placed on the ballot by lot, based on a public drawing conducted by the Secretary of State no later than the close of the business day next following the filing deadline".

8. On page 14, line 1, strike beginning with "with" through the period and show the old matter as stricken.

9. On page 15, strike beginning with "candidates' " in line 9 through "officer" in line 11 and insert "names of the candidates on the ballots by lot, based on a public drawing conducted by the county clerk or election commissioner no later than the close of the business day next following the filing deadline".

10. On page 16, line 5, strike "candidates' ".

(Signed) Dennis Baack, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 187, 187A, 214, 214A, 320, 326, 334, 354, 354A, 421, 516, and 556.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 187

The following changes, required to be reported for publication in the Journal, have been made:
ER6126

1. In the Lynch amendment, AM0516, on page 1, line 15 "the cost of" has been inserted after "include".

2. In the Standing Committee amendments, AM0107, on page 2, line 12, "7" has been struck and "8" inserted.

3. On page 1, line 1, "assistance to the poor" has been struck and "costs" inserted; in line 2 "29-1004," has been inserted after "sections" in line 4 "to change provisions relating to the payment of costs for prisoners;" has been inserted after the semicolon; and in line 6 "such assistance" has been struck and "medical assistance to the poor" inserted.

4. On page 4, line 1, "are" has been struck.

Enrollment and Review Change to LB 354A

The following changes, required to be reported for publication in the Journal, have been made:
ER6128

1. On page 1, line 4, "; and to decrease an appropriation" has been inserted after "1989".

Enrollment and Review Change to LB 421

The following changes, required to be reported for publication in the Journal, have been made:
ER6124

1. In the Smith amendment, AM0650:

a. The following new section has been inserted:

"Sec. 6. That section 17-405.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-405.04. The inhabitants of territories annexed under ~~the provisions of~~ sections 17-405.01 to 17-405.04 and 17-413 shall receive substantially the ~~benefits~~ services of other inhabitants of such municipality as soon as practicable. Adequate ~~, and adequate~~ plans and necessary city council or village board action to furnish such ~~benefits as police, fire, snow removal, and water service~~ ~~must~~ services shall be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such municipality, except that the ;

~~PROVIDED, that such~~ one-year period shall be tolled pending final court decision in any court action to contest such annexation.";

b. On page 8, lines 11 and 24; and page 9, lines 18 and 20 "or board of trustees" has been inserted after "council";

c. On page 8, lines 13, 14, 20, 21, and 23; and page 9, lines 2, 3, 6, 12, 13, and 24, "or village" has been inserted after "city"; and

d. On page 10, line 10, "and 17-405.01," has been struck and "17-405.01, and 17-405.04," inserted.

2. On page 1, line 1, "of the first class" has been struck and "and villages" inserted; and in line 2 "14-117, 15-104," has been inserted after "sections", "and" has been struck and a comma inserted, and "17-405.01, and 17-405.04," has been inserted after the last comma.

Enrollment and Review Change to LB 516

The following changes, required to be reported for publication in the Journal, have been made:
ER6125

1. On page 1, line 2, "section 18-1738" has been struck and "sections 18-1738 and 18-1739" inserted; in line 4 "requirements and size and construction standards" has been inserted after "eligibility"; and in line 5 "section" has been struck and "sections" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 224. Considered.

The Chair declared the call raised.

Messrs. Haberman and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA52
P. 10, line 7, starting with "You" strike all language through line 10.

SPEAKER BARRETT PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 11:

Baack	Chambers	Hannibal	Morrissey	Schmit
Bernard-Stevens	Elmer	Korshoj	Schimek	Smith
	Hall			

Voting in the negative, 15:

Abboud	Beyer	Crosby	Johnson, R.	McFarland
Barrett	Byars	Goodrich	Langford	Nelson
Beck	Coordsen	Johnson, L.	Lindsay	Pirsch

Present and not voting, 18:

Ashford	Hefner	Moore	Scofield	Weihing
Conway	Labedz	Robak	Warner	Wesely
Dierks	Lamb	Rogers	Wehrbein	Withem
Hartnett	Landis	Schellpeper		

Excused and not voting, 5:

Chizek	Haberman	Kristensen	Lynch	Peterson

The Chambers amendment lost with 11 ayes, 15 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. Chambers offered the following amendment:
FA53
P. 10, strike lines 11-22

Mr. Withem 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 26 ayes, 0 nays, and 23 not voting.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 15:

Abboud	Chambers	Elmer	Johnson, R.	Lindsay
Baack	Conway	Hall	Korshoj	Morrissey
Bernard-Stevens	Coordsen	Hannibal	Kristensen	Smith

Voting in the negative, 15:

Ashford	Beyer	Goodrich	Landis	Warner
Barrett	Byars	Hefner	Langford	Wehrbein
Beck	Crosby	Johnson, L.	McFarland	Weihing

Present and not voting, 12:

Dierks	Lamb	Pirsch	Rogers	Scofield
Hartnett	Moore	Robak	Schimek	Wesely
Labedz	Nelson			

Excused and not voting, 7:

Chizek	Lynch	Schellpeper	Schmit	Withem
Haberman	Peterson			

The Chambers amendment lost with 15 ayes, 15 nays, 12 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendment to LB 541:
AM0456

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-8,209, Revised Statutes Supplement, 1988, be amended to read as

follows:

81-8,209. The State of Nebraska shall not be liable for the torts of its officers, agents, or employees, and no suit shall be maintained against the state, ~~or~~ any state agency, or any employee of the state on any tort claim except to the extent, and only to the extent, provided by the State Tort Claims Act. The Legislature further declares that it is its intent and purpose through such act to provide uniform procedures for the bringing of tort claims against the state or an employee of the state and that the procedures provided by such act shall be used to the exclusion of all others.

Sec. 2. That section 81-8,210, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,210. ~~As used in~~ For purposes of the State Tort Claims Act, unless the context otherwise requires:

(1) State agency shall include all departments, agencies, boards, bureaus, and commissions of the State of Nebraska and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the State of Nebraska but shall not include corporations that are essentially private corporations. State agency shall not be construed to include any contractor with the State of Nebraska;

(2) State Claims Board shall mean the board created by section 81-8,220;

(3) Employee of the state shall mean any one or more officers or employees of the state or any state agency and shall include duly appointed members of boards or commissions when they are acting in their official capacity. State employee shall not be construed to include any contractor with the State of Nebraska;

(4) Tort claim shall mean any claim against the State of Nebraska 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 state, while acting within the scope of his or her office or employment, under circumstances in which the state, 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, and any claim against an employee of the state 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 the employee while acting within the scope of his or her employment occurring on or after the effective date of this act; and

(5) Award shall mean any amount determined by the State Claims Board to be payable to a claimant under section 81-8,211 or the amount of any compromise or settlement under section 81-8,218.

Sec. 3. That section 81-8,212, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,212. All tort claims shall be filed with the Risk Manager in the manner prescribed by the State Claims Board. The Risk Manager shall immediately advise the Attorney General of the filing of any claim. It shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims and serve as a legal advisor to the State Claims Board on all such claims. In any suit brought under the State Tort Claims Act, service of process shall be made in the manner provided for service of a summons in ~~a civil action~~ section 25-510.02.

Sec. 4. That section 81-8,215, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,215. In all suits brought under the State Tort Claims Act, the state shall be liable in the same manner and to the same extent as a private individual under like circumstances, except that no writ of execution shall issue, ~~against the state or any state agency,~~ and disposition of or offer to settle any claim made under such act shall not be competent evidence of liability of the state or any employee of the state or the amount of damages.

Sec. 5. That section 81-8,218, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,218. The Attorney General shall represent the state and employees of the state in any

suit brought under the State Tort Claims Act and is authorized to compromise or settle any such suit with the approval of the court in which such suit is pending.

Sec. 6. That section 81-8,229, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,229. From and after December 25, 1969, the authority of any state agency to sue or be sued in its own name shall not be construed to authorize suits against such state agency on tort claims except as authorized in the State Tort Claims Act. The remedies provided by such act ~~in such cases~~ for tort claims and suits against the state and employees of the state shall be exclusive.

Sec. 7. That section 81-8,231, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,231. Whenever a claim or suit ~~against the state or a state agency~~ under the State Tort Claims Act is covered by liability insurance or by group self-insurance provided by a risk management pool, the provisions of the liability insurance policy on defense and settlement of claims or the provisions of the agreement forming the risk management pool and related documents providing for defense and settlement of claims covered under such group self-insurance shall be applicable notwithstanding any inconsistent provisions of the ~~State Tort Claims Act~~ act. The Attorney General and the State Claims Board shall cooperate with the insurance company or risk management pool.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 81-8,209, 81-8,210, 81-8,212, 81-8,215, 81-8,218, 81-8,229, and 81-8,231, Revised Statutes Supplement, 1988, are repealed.".

LEGISLATIVE BILL 605. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 318, 362, 362A, 440, and 489.

(Signed) John C. Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 44. Introduced by Kristensen, 37th District.

WHEREAS, the Lawrence basketball team completed an outstanding regular season of play; and

WHEREAS, efforts of the Lawrence team were rewarded when the team won the 1989 Girls' State Tournament Class D-2 championship for high school tournament play; and

WHEREAS, the collective athletic abilities and exemplary conduct of the team members are deserving of recognition.

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

1. That the members of the Legislature extend congratulations to the Lawrence team members for winning the Class D-2 championship.

2. That a copy of this resolution be sent to the team and coach Carroll Troudt.

Laid over.

LEGISLATIVE RESOLUTION 45. Introduced by Korshoj, 16th District.

WHEREAS, the Blair Bears High School girls basketball team won the Class B State Championship on March 4, 1989; and

WHEREAS, the Blair Bears High School girls basketball team scored one hundred ninety-nine points in three tournament games and broke the all-class tournament scoring record; and

WHEREAS, the Blair Bears High School girls basketball team finished an outstanding season with twenty-four wins and a single loss; and

WHEREAS, this is Blair High School's first girls state basketball championship; and

WHEREAS, the accomplishments, hard work, and dedication of the coaches and players should be commended and are deserving of special recognition.

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

1. That the Nebraska Legislature extends its congratulations to the Blair High School girls basketball team.

2. That a copy of this resolution be sent to coach Dennis Dolliver and to the team in recognition of their accomplishments.

Laid over.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Monday, March 13, 1989 1:30 p.m.
Boiler Safety Code Advisory Board
Robert F. Lundeen
Timothy G. Wentz, P.E.
Robert W. Allen
Raymond O. Farris, P.E.

(Signed) George Coordsen, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 793. Placed on General File.

LEGISLATIVE BILL 390. Indefinitely postponed.
LEGISLATIVE BILL 563. Indefinitely postponed.
LEGISLATIVE BILL 661. Indefinitely postponed.
LEGISLATIVE BILL 687. Indefinitely postponed.
LEGISLATIVE BILL 728. Indefinitely postponed.

LEGISLATIVE RESOLUTION 16CA. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 587 in the Journal. No objections. So ordered.

AM0721

(Amendments to AM0603)

1. On page 1, line 4, strike "produced in Nebraska".

AM0718

(Amendments to am0604)

1. On page 1, lines 1 and 2, strike "strike the new matter and".

AM0726

(Amendments to AM0607)

1. Strike amendment 4.

AM0720

(Amendments to AM0606)

1. On page 2, strike lines 16 through 19; in line 20 strike "(vi)" and insert "(v)"; and in line 22 strike "(vii)" and insert "(vi)".

2. On page 3, line 1, strike "(viii)" and insert "(vii)".

BILL ON FIRST READING

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

LEGISLATIVE BILL 545A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 87 in the Journal. No objections. So ordered.

AM0665

1. On page 6, line 4, after "victim" insert "but shall not include the alleged perpetrator of the sexual assault".

2. On page 7, line 14, after the semicolon insert "and"; strike beginning with the semicolon in line 20 through line 25 and insert an underscored period.

3. On page 8, strike lines 1 through 8; and in line 9 after "crimes" insert "shall".

4. On page 9, reinstate the stricken matter beginning with "To" in line 7 through line 9; in line 7 before the reinstated "To" insert "(e)"; in line 10, strike "(e)" and insert "(f)"; in line 14 strike "(f)" and insert "(g)"; and in line 22 strike "(g)" and insert "(h)".

5. On page 10, line 3, strike "(h)" and insert "(i)"; in line 8 strike "(i)" and insert "(j)"; in lines 14 and 15 strike "following persons" and insert "county attorney"; in line 16 strike the semicolon; in line 17 strike "(1) The county attorney,"; in line 20 strike "; and" and insert an underscored period; and strike lines 21 through 23.

Mr. Chambers asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

FA54

1. Page 6, line 21, strike the period and add: "after a one-year scientific study period if such study period is considered necessary or desirable by such society. In situations in which human skeletal remains or burial goods that are unidentifiable as to familial or tribal origin are clearly found to be of extremely important, irreplaceable and intrinsic scientific value, the remains or goods may be curated by such society until the remains or goods may be reinterred without impairing their scientific value. During such curation period, the remains or goods shall not be displayed."

2. Page 7, line 9, put a period after "section" and strike all remaining language through line 18.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 809. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 students and teacher from Bennington High School; Ruth Warren, Hazel Devine, La Donna Rader, Joyce Brandt, and Mary Ellen Kilmer; members of the League of Women Voters from throughout the state; and 22 students and teacher from Elkhorn High School.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 7, 1989

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 7, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Steve Janovec, People's City Mission, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Dierks, and Lynch who were excused; and Messrs. Abboud, Chambers, Conway, Haberman, Landis, McFarland, Morrissey, Schmit, Withem, Mmes. Beck, Labedz, Nelson, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 147. Placed on Select File.
LEGISLATIVE BILL 147A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 154, 360, 360A, and 441.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 154

The following changes, required to be reported for publication in the Journal, have been made:
ER0129

1. In the Hall amendment, AM 0548:

a. On page 9, line 11, an underscored comma has been inserted after the third "system";

b. On page 12, line 23, the comma has been struck and shown as stricken; in lines 23 and 24 the stricken matter has been reinstated; and in line 24 "except as provided in section 53-175" has been inserted after the reinstated "form"; and

c. On page 13, line 19, the comma has been struck and shown as stricken.

2. The E & R amendment has been struck.

3. On page 1, line 2, "and" has been struck and ", 53-123.04," inserted and "and 53-175," has been inserted after the last comma; in line 5 "off the premises" has been struck; and in line 6 "to authorize certain sales of alcoholic liquor between retailers as prescribed; to state intent relating to certain collectors; to harmonize provisions;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 360

The following changes, required to be reported for publication in the Journal, have been made:
ER6130

1. On page 1, line 1, "public assistance" has been struck and "living and burial expenses" inserted.

Enrollment and Review Change to LB 441

The following changes, required to be reported for publication in the Journal, have been made:
ER6131

1. On page 5, in lines 21 and 22, the underscored comma has been struck; and in line 22 the stricken matter has been reinstated and the comma struck and shown as stricken.

2. On page 6, in lines 3, 4, 6, and 7, the stricken matter has been reinstated; in lines 4, 6, and 7 the new matter has been struck; and in

line 8 "so licensed since that date" has been reinstated and an underscored semicolon has been inserted after the reinstated "date".

3. On page 7, line 6, the stricken comma has been reinstated; and in line 21 an underscored comma has been inserted after "guests".

4. On page 9, in lines 3, 4, 5, 6, and 23, the stricken matter has been reinstated; in lines 3, 6, 23, and 24 the new matter has been struck; and in line 22 "and" has been struck and the stricken comma has been reinstated.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

March 6, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 391, 398, 458, 459, 48, 61, 176, 298, 327, 349, 416, and 502 were received in my office on March 2, 1989.

These bills were signed by me on March 6, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 6, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 92 and 92A were received in my office on March 3, 1989.

These bills were signed by me on March 6, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 1, 1989

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 reappointment to the Nebraska Child Abuse Prevention Fund Board, requiring legislative confirmation.

Appointee: Kathy Campbell, 6201 Pine Lake Road, Lincoln, NE 68516, (402) 483-7891.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORT

Received summary of the Greater Nebraska Job Training Plan for Title III services for period July 1, 1989 to June 30, 1990 from the Nebraska Department of Labor, Job Training Program Division.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 32 and LR 43.

RESOLUTION

LEGISLATIVE RESOLUTION 42. Read. Considered.

LR 42 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 775. Title read. Considered.

Standing Committee amendment, AM0308, found in the Journal on page 690 for the Twenty-Sixth Day, was considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

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. Hall moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Haberman requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 25:

Baack	Goodrich	Korshoj	Morrissey	Schmit
Beck	Hall	Labedz	Nelson	Smith
Chizek	Hannibal	Landis	Robak	Weihing
Conway	Hartnett	Langford	Rogers	Wesely
Elmer	Hefner	Lindsay	Schimek	Withem

Voting in the negative, 18:

Barrett	Byars	Johnson, L.	Moore	Scofield
Bernard-Stevens	Coordsen	Johnson, R.	Peterson	Warner
Beyer	Crosby	Kristensen	Pirsch	Wehrbein
	Haberman	Lamb	Schellpeper	

Present and not voting, 2:

Chambers McFarland

Excused and not voting, 4:

Abboud Ashford Dierks Lynch

The Standing Committee amendment was adopted with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 46. Introduced by Baack, 47th District.

WHEREAS, the Potter-Dix Lady Coyotes basketball team won the 1989 Class D-1 title at the Girls Basketball State Tournament; and

WHEREAS, the Potter-Dix Lady Coyotes won the championship game in overtime, with a score of 65-63; and

WHEREAS, the Potter-Dix team became the first Panhandle team to win a girls state basketball championship in any class; and

WHEREAS, the Coyotes displayed excellent athletic skill, dedication, exceptional sportsmanship, and endurance; and

WHEREAS, the team members, Coach Lee Kramer, and Assistant Coach Larry Wieser are deserving of special recognition for their victory.

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

1. That the members of the Legislature commend and congratulate the Potter-Dix Lady Coyotes and Coaches Kramer and Wieser.

2. That the members of the Legislature express their pride in the young women on the team, recognizing the hard work that went into attaining the Class D-1 title.

3. That a copy of this resolution be sent to Coach Lee Kramer, Assistant Coach Larry Wieser, and the team.

Laid over.

LEGISLATIVE RESOLUTION 47. Introduced by Conway, 17th District.

WHEREAS, the Emerson-Hubbard girls basketball team captured the Class C-2 Girls State Championship on Saturday, March 4; and

WHEREAS, the team attained a 23-0 record going into Saturday's finals; and

WHEREAS, Coach Cliff Wiseman and the team exhibited outstanding effort, ability, and conduct in attaining these achievements.

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

1. That the members of the Legislature extend their congratulations to Coach Wiseman and the Emerson-Hubbard team.

2. That a copy of this resolution be sent to Coach Wiseman and the Emerson-Hubbard team.

Laid over.

LEGISLATIVE RESOLUTION 48. Introduced by Langford, 36th District.

WHEREAS, on March 4, 1989, the Gibbon Lady Buffs 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 Reinertson have guided the Gibbon Lady Buffs to an undefeated season by combining the talents of each player into a team that displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and Coaches Bleach, Reinertson, and Reinertson deserve special recognition for the state title.

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

1. That the Legislature congratulates the members of the Gibbon Lady Buffs basketball team and recognizes the team as the 1989 Nebraska C-1 Girls State Basketball Champions.

2. That Coach Larry Bleach and Assistant Coaches Paul Reinertson and Carolyn Reinertson 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 and coaches.

Laid over.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Tuesday, March 14, 1989 1:15 p.m.
J. L. Spray - Coordinating Committee for Postsecondary Education

(Signed) Ron Withem, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 605. Placed on General File.

(Signed) George Coordsen, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 698. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 135. Placed on General File.
LEGISLATIVE BILL 324. Placed on General File.
LEGISLATIVE BILL 702. Placed on General File.

LEGISLATIVE BILL 136. Indefinitely postponed.
LEGISLATIVE BILL 246. Indefinitely postponed.
LEGISLATIVE BILL 402. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 775. Considered.

Messrs. Kristensen and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 2 nays, and 23 not voting.

Mr. Hannibal 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 27 ayes, 2 nays, and 20 not voting.

Mrs. Beck moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mrs. Beck requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Conway	Korshoj	Nelson	Schmit
Beck	Elmer	Labedz	Pirsch	Smith
Bernard-Stevens	Goodrich	Landis	Robak	Weihing
Chambers	Hall	Langford	Rogers	Wesely
Chizek	Hartnett	Lindsay	Schellpeper	Withem

Voting in the negative, 12:

Barrett	Crosby	Lamb	Morrissey	Schimek
Beyer	Johnson, L.	Moore	Peterson	Wehrbein
Byars	Johnson, R.			

Present and not voting, 4:

Coordsen	Hefner	McFarland	Scofield

Absent and not voting, 1:

Warner

Excused and not voting, 7:

Abboud	Dierks	Hannibal	Kristensen	Lynch
Ashford	Haberman			

Advanced to E & R for Review with 25 ayes, 12 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 49. Introduced by Chizek, 31st District.

WHEREAS, Millard South won the Class A girls basketball state championship Saturday, March 4, with a score of 57-29; and

WHEREAS, the Millard South team consists of the following members: Shelby Straka, Carrie Eberly, Corie Keating, Kevin Campbell, Amy Johnson, Staci Sponsel, Shannon Struby, Missy Bluml, Amy Erlenbusch, Dawn Spencer, Kelly Luenenborg, and Jenny Fitch; and

WHEREAS, the team is coached by Rich Olson; and

WHEREAS, the 24-1 Indians were making their seventh consecutive state tournament appearance, the longest active streak in the state.

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

1. That the Legislature extends its congratulations to Coach Olson and the Millard South girls basketball team.

2. That a copy of this resolution be presented to the coach and team.

Laid over.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 510. Placed on General File as amended.
Standing Committee amendments to LB 510:
AM0586

1. Strike original sections 10, 13, and 14.
2. On page 2, line 1, strike "define" and

insert "assist in implementing"; and in line 4 strike "define and".

3. On page 3, line 20, strike "or" and insert "and".

4. On page 4, strike beginning with "nine" in line 6 through line 11 and insert "service areas established by the community action agencies in the state."; in line 14 strike "one-year" and insert "two-year"; and in line 16 after "each" insert "even-numbered".

5. On page 8, line 7, strike "each" and insert "the"; in line 8 strike "agency" and insert "agencies not less than ninety percent of"; and strike beginning with the comma in line 10 through "basis" in line 14.

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 648. Placed on General File as amended.
Standing Committee amendment to LB 648:
AM0727

1. On page 3, line 25, strike "June 30, 1989" and insert "January 1, 1990".

LEGISLATIVE BILL 425. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 224. Considered.

Mr. McFarland moved to suspend the rules, Rule 6 §3 and Rule 7 §3 and vote without further amendment or debate.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?"

Mr. McFarland moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. McFarland requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 27:

Barrett	Crosby	Labedz	Nelson	Schellpeper
Beck	Elmer	Lamb	Peterson	Schimek
Beyer	Goodrich	Landis	Pirsch	Scofield
Byars	Hefner	Langford	Robak	Weihing
Chizek	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.			

Voting in the negative, 13:

Baack	Chambers	Hartnett	Moore	Smith
Bernard-Stevens	Conway	Korshoj	Morrissey	Withem
	Hall	Lindsay	Schmit	

Excused and not voting, 9:

Abboud	Dierks	Hannibal	Lynch	Wehrbein
Ashford	Haberman	Kristensen	Warner	

The McFarland motion to suspend the rules lost with 27 ayes, 13 nays, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Peterson, R. Johnson, and Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay offered the following amendment:
FA55
1.) Strike the language on page 14, lines 2 through 4.
2.) On page 13, line 22 after "act", insert "; (d) Pay to the athlete damages incurred by the athlete as a result of the athlete agent's violation of the act."

Messrs. Schmit and L. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?"

Mr. McFarland moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett	Coordsen	Labedz	McFarland	Schellpeper
Beck	Crosby	Lamb	Moore	Smith
Beyer	Elmer	Landis	Nelson	Weihing
Byars	Goodrich	Langford	Robak	Wesely
Chizek	Hefner	Lindsay	Rogers	Withem

Voting in the negative, 7:

Bernard-Stevens	Chambers	Korshoj	Schimek	Scofield
	Conway	Morrissey		

Present and not voting, 3:

Baack	Hall	Hartnett

Absent and not voting, 1:

Pirsch

Excused and not voting, 13:

Abboud	Haberman	Johnson, R.	Peterson	Warner
Ashford	Hannibal	Kristensen	Schmit	Wehrbein
Dierks	Johnson, L.	Lynch		

Advanced to E & R for Review with 25 ayes, 7 nays, 3 present and not voting, 1 absent and not voting, and 13 excused and not voting.

MOTION - Place LB 728 on General File

Mr. Warner moved that LB 728 be placed on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, section 17.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Conway, Baack, and Bernard-Stevens asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

AM0744

1. On page 2, line 14, after "and" insert ", in certain counties,".

2. On page 3, line 13, after "county" insert "with a population of more than three hundred thousand inhabitants".

3. On page 4, lines 5 and 6, strike the new matter; and in line 10 after the period insert "The governing body of a county with a population of more than three hundred thousand inhabitants may also after a public hearing adopt a resolution establishing a County Visitors Improvement Fund.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

AM0736

1. Insert the following new section:

"Section 1. That subdivision (11)(b)(ii) of section 77-2702, Revised Statutes Supplement, 1988, be amended to read as follows:

(11)(b)(ii) Feed to be consumed by horses in any commercial feedlot with over one hundred head of horses or for any form of animal life or water which is supplied for consumption by animal life or which is otherwise used in caring for animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily are used for human apparel. Feed shall mean and

include, but is not limited to, all grains, minerals, salts, proteins, fats, fibers, vitamins, grit, and antibiotics commonly used as feed or feed supplements;".

2. On page 14, line 2, after "original" insert "subdivision (11)(b)(ii) of section 77-2702 and"; and in line 3 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 505. Placed on General File as amended.
Standing Committee amendments to LB 505:
AM0462

1. On page 4, after line 18, insert the following new subsection:

"(9) The Secretary of State shall furnish each separate register of deeds a terminal and printer compatible with the system established pursuant to subsection (5) of this section.".

2. On page 6, line 23, after "dollar" insert an underscored period and strike "and fifty cents." and show as stricken.

3. On page 7, line 1, strike "one dollar", show as stricken, and insert "fifty cents".

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 285. Placed on General File as amended.
(Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0670.)

(Signed) Howard Lamb, Chairperson

Revenue

LEGISLATIVE BILL 653. Placed on General File as amended.
Standing Committee amendments to LB 653:
AM0734

1. Strike original section 1.

2. On page 2, strike lines 7 through 20 and insert:

"Section 1. There is hereby created the Property Assessment and Taxation Commission. The commission shall consist of eleven members as follows: (1) The chairperson of the Committee on Revenue; (2) the Tax Commissioner; (3) three licensed appraisers; (4) three county assessors; and (5) three property owners. Of the members appointed to the commission pursuant to subdivisions (3), (4), and (5) of this section, no member shall reside in the same congressional district as any other member appointed pursuant to the same subdivision."; in line 21 strike "and" and insert a comma; and in line 22 after "(4)" insert ", and (5)".

3. On page 3 strike beginning with "with" in line 9 through line 10 and insert a period.

4. Renumber the remaining section accordingly.

(Signed) Tim Hall, Chairperson

MOTION - Withdraw LB 609

Mr. Elmer moved to withdraw LB 609.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 50. Introduced by Hefner, 19th District; Moore, 24th District; L. Johnson, 15th District; Warner, 25th District; Langford, 36th District; Beyer, 3rd District.

WHEREAS, budget cuts over the past ten years have forced the VA Medical Centers to reduce their staffs or services as a means to lower costs thereby reducing health care services for all veterans; and

WHEREAS, continued erosion of VA health care services threatens the survivability of the smaller VA Medical Centers; and

WHEREAS, with or without VA Medical Centers veterans will still need medical care and it's doubtful if medical treatment can be provided as cost effectively as the VA Medical Centers have provided such treatment throughout the years; and

WHEREAS, in 1986 the Veterans' Administration implemented additional cost-saving measures by categorizing many veterans according to their incomes or assets, with category A being those veterans whose net worths are considered modest, category B being those veterans whose net worths are considered as moderate, and

category C being those veterans who the Veterans' Administration determined could afford to partially pay for their treatment; and

WHEREAS, the government of the United States did not ask questions regarding income and assets when it asked for volunteers or when it drafted young men and women to go to war; and

WHEREAS, the reduction of health care services for our veterans has placed many veterans health insurance programs in jeopardy because veterans have always been of the understanding that they would be able to go to the VA Medical Centers for health care and planned their insurance needs accordingly; and

WHEREAS, because of the recent changes in the eligibility rules, many veterans may not discover that they have lost their eligibility for VA health care until they go to a VA Medical Center and are denied treatment; and

WHEREAS, many of these may then find it difficult, if not impossible, to obtain insurance at this stage of their lives because of their present health conditions or because of the excessive cost of health insurance; and

WHEREAS, many, if not all, VA Medical Centers have in recent weeks eliminated category C veterans from being eligible to receive medical treatment and, in some instances, are now requiring category B veterans to partially pay for the treatment they receive.

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

1. That the concerns expressed in this resolution be forwarded to the Nebraska Congressional delegation and the Secretary of the United States Department of Veterans Affairs for appropriate action.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 594. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 students and teacher from Northeast High School, Lincoln; and Yuki and Maki Machino and Eiko Shieto from Tokyo, Japan and Mrs. Omer Troester from Hampton.

ADJOURNMENT

At 12:20 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 8, 1989

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 8, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. James Cooke, Fourth Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Haberman, Hall, Hannibal, R. Johnson, Landis, Lindsay, Lynch, Moore, Schmit, Warner, Mmes. Beck, Labedz, Smith, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

ANNOUNCEMENT

Mr. Weihing designates LB 54 as his priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 42.

RESOLUTIONS

LEGISLATIVE RESOLUTION 44. Read. Considered.

LR 44 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 45. Read. Considered.

LR 45 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 46. Read. Considered.

LR 46 was adopted with 15 ayes, 1 nay, and 33 not voting.

LEGISLATIVE RESOLUTION 47. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LR 47. No objections. So ordered.

LR 47 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 48. Read. Considered.

LR 48 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 49. Read. Considered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LR 49. No objections. So ordered.

LR 49 was adopted with 24 ayes, 0 nays, and 25 not voting.

MOTION - Withdraw LB 609

Mr. Elmer renewed his pending motion, found in the Journal on page 1017, to withdraw LB 609.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Elmer motion to withdraw prevailed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 574. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 224A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File as amended.
E & R amendments to LB 775:
AM5081

1. On page 1, line 3, strike "the rates" and insert "a rate".
2. On page 2, line 17, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 224. Placed on Select File as amended.
E & R amendments to LB 224:
AM5082

1. In the Lindsay amendment, FA55, on page 1, line 2, after the semicolon insert "and" and paragraphing.
2. On page 1, line 2, strike "to provide penalties;".
3. On page 13, line 19, strike "and".

(Signed) John C. Lindsay, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Thursday, March 16, 1989 1:30 p.m.
Ruth Ann Connell - Hall of Fame Commission

(Signed) Dennis Baack, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 604. Placed on General File as amended.
Standing Committee amendment to LB 604:
AM0743

1. Strike the original sections and insert the following new sections:

"Section 1. That section 33-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-150. (1) The State Treasurer shall credit to the General Fund of the state fifteen percent of all fees remitted to the state treasury by the state boards of examiners in medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygienists, dietetics and nutrition, social work, athletic training, massage therapy, professional counseling, optometry, pharmacy, embalming and funeral directing, including fees received from funeral establishments as well as embalmers and funeral directors, podiatry, and veterinary medicine, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Examiners for Professional Engineers and Architects, ~~the State Athletic Commissioner,~~ the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned ~~above,~~ in this subsection if and when fifteen percent of all such fees remitted into the treasury is appropriated or reappropriated to the General Fund ~~of the state~~ by the Legislature for the uses and purposes of the General Fund during any biennium.

(2) Nothing in subsection (1) of this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund, ~~and~~ funds of the State Racing Commission, or funds of the State Athletic Commissioner.

Sec. 2. That section 81-8,134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,134. (1) Any professional boxing match conducted in this state which is labeled or promoted as a championship boxing match shall have regional or

national significance and the approval of a nationally recognized professional boxing association.

(2) Professional boxing or sparring matches or exhibitions shall not exceed ten rounds in length, except in a championship match, which shall not exceed ~~fifteen~~ twelve rounds. No round shall be longer than three minutes. At least one minute shall intervene between rounds. The boxing contestants shall wear during the ~~contest~~ boxing match or exhibition gloves weighing at least eight ounces each.

(3) No professional boxing contestant shall be allowed to participate or take part in any ~~contest~~ professional boxing match or exhibition in this state unless a duly licensed physician ~~shall certify~~ certifies in writing that such contestant has taken a physical examination within twelve hours prior to the time the boxing match or exhibition is scheduled to begin ~~the day of the contest~~ and is physically fit to engage in the proposed ~~contest~~ boxing match or exhibition. Such physical examination shall include, but not be limited to:

(a) Weight;

(b) Body temperature;

(c) Pulse;

(d) Lungs;

(e) Blood pressure;

(f) Eyes;

(g) Heart;

(h) Venereal disease;

(i) Acquired immunodeficiency syndrome, AIDS;

(j) Urine analysis;

(k) Evidence of a hernia; and

(l) Any other medical or neurological examinations as determined by the State Athletic Commissioner.

Sec. 3. The State Athletic Commissioner shall adopt and promulgate rules and regulations for amateur boxing matches in the State of Nebraska. The rules and regulations shall conform generally to the rules adopted and promulgated by the American Boxing Federation.

Sec. 4. The Revisor of Statutes shall assign section 3 of this act within sections 81-8,128 to 81-8,142.01, and any reference to such sections shall be construed to include section 3 of this act.

Sec. 5. Sections 2, 3, and 6 of this act shall become operative on January 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 6. That original section 81-8,134, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 7. That original section 33-150, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 132. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 587. Title read. Considered.

Standing Committee amendments, AM0226, found in the Journal on page 612 for the Twenty-Third Day, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Haberman renewed his pending amendment (1), AM0603, found in the Journal on page 896.

Mr. Schmit renewed his pending amendment, AM0721, found in the Journal on page 999, to the pending Haberman amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 21 ayes, 1 nay, 24 present and not voting, and 3 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Hall's birthday.

GENERAL FILE

LEGISLATIVE BILL 587. The pending Haberman amendment, AM0603, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Haberman renewed his pending amendment (2), AM0604, found in the Journal on page 897.

Mr. Schmit renewed his pending amendment, AM0718, found in the Journal on page 999, to the pending Haberman amendment.

Messrs. Wesely and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment was adopted with 15 ayes, 0 nays, 30 present and not voting, and 4 excused and not voting.

The pending Haberman amendment, AM0604, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Haberman renewed his pending amendment (3), AM0607, found in the Journal on page 897.

Mr. Schmit renewed his pending amendment, AM0726, found in the Journal on page 999, to the pending Haberman amendment.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 5 excused and not voting.

The pending Haberman amendment, AM0607, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman renewed his pending amendment (4), AM0606, found in the Journal on page 897.

Mr. Schmit renewed his pending amendment, AM0720, found in the Journal on page 999, to the pending Haberman amendment.

Mr. Schmit withdrew his pending amendment, AM0720.

The pending Haberman amendment, AM0606, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman renewed his pending amendment (5), AM0619, found in the Journal on page 899.

The Haberman amendment, AM0619, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. L. Johnson asked unanimous consent to be excused until he returns. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 89A. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 574A. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 569A. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 569, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendments to LB 161:
AM0730

1. On page 13, line 8; and page 18, line 25, strike "may" and insert "shall" and after "involve" insert "the natural resources districts and".

2. On page 14, line 19, reinstate the stricken matter; and in line 20 after "or" insert "who holds himself or herself out to the public as being in the business of applying general use pesticides".

3. On page 17, line 1, strike "four", show as stricken, and insert "three".

(Signed) Rod Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 457. Placed on General File.

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendments to LB 333:
AM0746

1. On page 3, line 11, strike "bank in" and after "Nebraska" insert "financial institution the deposits of which are insured by the Federal Deposit Insurance Corporation"; in line 21 strike "(a) the bank" and insert "the financial institution"; and strike beginning with "or" in line 23 through line 25 and insert an underscored period.

2. On page 4, lines 1 through 6, strike the new matter.

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 141. Placed on General File as amended.
Standing Committee amendment to LB 141:
AM0706

1. On page 2, line 9, strike "relative to careless driving," and show the old matter as stricken

and strike "reckless" and show as stricken; and strike lines 10 through 12, show the old matter as stricken, and insert "of sections 39-669 to 39-669.08 shall apply upon highways and anywhere throughout the state except private property which is not open to public access.".

LEGISLATIVE BILL 742. Placed on General File as amended.
Standing Committee amendments to LB 742:
AM0655

1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 2, line 19, strike "or" and insert "and".
3. On page 3, line 7, strike "the applicant has".

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 609 Friday, March 17, 1989 (cancelled) 1:30 p.m.

(Signed) Dennis Baack, Chairperson

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 379. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 46. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 145. Title read. Considered.

Standing Committee amendment, AM0075, found in the Journal on page 635 for the Twenty-Third Day, was considered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendment, AM0085, found in the Journal on page 635 for the Twenty-Third Day, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Peterson and Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 418. Title read. Considered.

Standing Committee amendment, AM0086, found in the Journal on page 635 for the Twenty-Third Day, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendments, AM0163, found in the Journal on page 636 for the Twenty-Third Day, were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 449. Title read. Considered.

Standing Committee amendments, AM0205, found in the Journal on page 637 for the Twenty-Third Day, were adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 449A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendments to LB 466:
AM0658

1. Strike original section 1.

2. On page 3, line 6, strike "six", show as stricken, and insert "three"; strike the new matter in lines 10 through 13; in line 14 strike "sections 44-3903 and" and insert "section"; and in line 15 strike "are" and insert "is".

3. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 756. Placed on General File.

LEGISLATIVE BILL 244. Placed on General File as amended.
Standing Committee amendment to LB 244:
AM0749

1. On page 3, strike lines 4 through 10 and insert:

"If such city or village adopts a standard code, such city or village may by ordinance establish that a violation of such code shall result in penalties of up to three months imprisonment or a five hundred dollar fine, or both, for the first offense and up to six months imprisonment or a one thousand dollar fine, or both, for each subsequent offense except as otherwise provided by local ordinance or state law.".

LEGISLATIVE BILL 216. Indefinitely postponed.
LEGISLATIVE BILL 225. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 290A. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 290, Ninety-first Legislature, First Session, 1989.

ANNOUNCEMENT

Mr. Warner announced the Program Review Report of the Nebraska Coordinating Commission for Postsecondary Education will be presented to a joint meeting of the Appropriations and Education Committees at 12:00 noon on Monday, March 20, in Room 1003, of the State Capitol.

VISITORS

Visitors to the Chamber were 41 fourth grade students and teacher from Clarkson Elementary School, Fremont; students and sponsor from Centennial High School, Utica; 46 ninth through twelfth grade students and teacher from College View Academy, Lincoln; 39 eighth grade students and teacher from St. Margaret Mary School, Omaha; Jan Stuckey from Plattsmouth; six Campfire Blue Birds and leaders from Calvert School, Lincoln; and members of the Nebraska Chapter of the Certified Auctioneers Institute from across the state.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 9, 1989

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 9, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 1989

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 Mrs. Labedz who was excused; and Messrs. Chambers, R. Johnson, Landis, Morrissey, Schmit, Warner, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 574. Placed on Select File as amended.
E & R amendment to LB 574:
AM5083
1. On page 3, line 1, after "maintaining" insert "the".

LEGISLATIVE BILL 224A. Placed on Select File.

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendments to LB 132:
AM5084

1. On page 2, line 22; and page 3, line 3, after "additional" insert "one".

2. On page 5, line 6, after "to" insert "subdivision (11) of section 33-105 and"; and in line 7 strike the new matter.

(Signed) John C. Lindsay, Chairperson

ANNOUNCEMENTS

Mr. Haberman designates LB 371 as his priority bill.

Mr. Dierks designates LB 49 as his priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 44, LR 45, LR 46, LR 47, LR 48, and LR 49.

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.

Demarus Carlson - Board of Educational Lands and Funds

Voting aye: Senators McFarland, Baack, Bernard-Stevens, Crosby, Chizek, Nelson, Withem. Voting nay: None. Absent: Senator Dierks.

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 50. Read. Considered.

LR 50 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 284.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-401, 60-402, 60-406.04, 60-407, 60-411, 60-411.01, 60-415, and 60-417, Reissue Revised Statutes of Nebraska, 1943; 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 to 23-396, 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	Chizek	Hannibal	Langford	Rogers
Ashford	Conway	Hartnett	Lindsay	Schellpeper
Baack	Coordsen	Hefner	Lynch	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Scofield
Beck	Dierks	Johnson, R.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Nelson	Wehrbein
	Goodrich	Kristensen	Peterson	Weihing
Beyer	Haberman	Lamb	Pirsch	Wesely
Byars	Hall	Landis	Robak	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Labedz	Morrissey	Schmit	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 284A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hannibal	Lindsay	Schellpeper
Ashford	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Scofield
Barrett	Crosby	Johnson, L.	Moore	Smith
Beck	Dierks	Johnson, R.	Nelson	Wehrbein
Bernard-Stevens	Elmer	Korshoj	Peterson	Weihing
	Goodrich	Kristensen	Pirsch	Wesely
Beyer	Haberman	Lamb	Robak	Withem
Byars	Hall	Landis	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 5:

Chambers	Labedz	Morrissey	Schmit	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 499 to Select File

Mr. Moore moved to return LB 499 to Select File for his specific amendment, AM0686, found in the Journal on page 980.

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 27 ayes, 0 nays, and 22 not voting.

Mr. Moore requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Abboud	Byars	Hall	Landis	Robak
Ashford	Chizek	Johnson, L.	Langford	Schmit
Baack	Conway	Johnson, R.	Lindsay	Scofield
Beck	Coordsen	Kristensen	Moore	Withem
Bernard-Stevens				

Voting in the negative, 17:

Barrett	Goodrich	Lamb	Pirsch	Wehrbein
Beyer	Haberman	McFarland	Schimek	Weihing
Crosby	Hartnett	Nelson	Smith	Wesely
Elmer	Korshoj			

Present and not voting, 8:

Chambers	Hannibal	Lynch	Rogers	Schellpeper
Dierks	Hefner	Peterson		

Excused and not voting, 3:

Labedz	Morrissey	Warner

The Moore motion to return lost with 21 ayes, 17 nays, 8 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 499. With Emergency.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1103, Reissue Revised Statutes of Nebraska, 1943; to authorize Class VI school districts to use special funds for school

buildings as prescribed; to eliminate obsolete 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, 46:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Lamb	Pirsch	Weihing
Byars	Haberman	Landis	Robak	Wesely
Chambers	Hall	Langford	Rogers	Withem
	Hannibal			

Voting in the negative, 0.

Excused and not voting, 3:

Labedz	Morrissey	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 443. With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to eliminate the requirement of corroboration of testimony for certain offenses; to repeal section 29-2013, 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	Ashford	Baack	Barrett	Beck

Bernard-Stevens	Dierks	Johnson, R.	McFarland	Schimek
Beyer	Elmer	Korshoj	Moore	Schmit
Byars	Goodrich	Kristensen	Nelson	Scofield
Chambers	Haberman	Lamb	Peterson	Smith
Chizek	Hall	Landis	Pirsch	Wehrbein
Conway	Hannibal	Langford	Robak	Weihing
Coordsen	Hartnett	Lindsay	Rogers	Wesely
Crosby	Hefner	Lynch	Schellpeper	Withem
	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 3:

Labedz	Morrissey	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 214.

A BILL FOR AN ACT relating to insurance; to adopt the Property and Casualty Insurance Data Reporting Act; to eliminate provisions relating to product liability insurance; to provide an operative date; to provide severability; and to repeal sections 44-3,124, 44-3,125, and 44-3,126, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Lamb	Pirsch	Weihing
Byars	Haberman	Landis	Robak	Wesely
Chambers	Hall	Langford	Rogers	Withem
	Hannibal			

Voting in the negative, 0.

Excused and not voting, 3:

Labedz Morrissey Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 214A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 214, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Lindsay	Schellpeper
Ashford	Conway	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Schmit
Barrett	Crosby	Johnson, L.	Moore	Scofield
Beck	Dierks	Johnson, R.	Nelson	Smith
Bernard-Stevens	Elmer	Korshoj	Peterson	Wehrbein
	Goodrich	Kristensen	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Chambers				

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 3:

Labedz Morrissey Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 318.

A BILL FOR AN ACT relating to health care coverage; to provide for certain coverage benefits after a change in the employment status or death of a covered employee; and to require certain coverage benefits.

Whereupon the 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	Johnson, L.	McFarland	Schimek
Baack	Crosby	Johnson, R.	Moore	Schmit
Barrett	Dierks	Korshoj	Morrissey	Scofield
Beck	Elmer	Kristensen	Nelson	Smith
Bernard-Stevens	Goodrich	Lamb	Peterson	Wehrbein
	Haberman	Landis	Pirsch	Weihing
Beyer	Hannibal	Langford	Robak	Wesely
Byars	Hartnett	Lindsay	Rogers	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hall

Excused and not voting, 2:

Labedz Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to insurance; to adopt the Prepaid Limited Health Service Organization Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chizek	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Wehrbein
Beyer	Goodrich	Lamb	Peterson	Weihing
Byars	Haberman	Landis	Pirsch	Wesely
Chambers	Hall	Langford	Robak	Withem
	Hannibal			

Voting in the negative, 0.

Excused and not voting, 3:

Labedz	Schmit	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 8, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Erickson & Sederstrom, P.C.
Thone, Charles - Lincoln

Nebraska Investment Authority

Finance

Kelley, Michael - Omaha	WE and NW, Inc. d/b/a Woods Landing
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Lutheran Medical Center
	Nebraska Association of Convenience Stores
	Nebraska Methodist Health System, Inc.
	Nebraska Shorthand Reporters Association
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Lutheran Medical Center
	Nebraska Association of Convenience Stores
	Nebraska Methodist Health System, Inc.
	Nebraska Shorthand Reporters Association
Ryan, James E./James E. Ryan, P.C. - Lincoln	Avis, Inc.
	Hertz Corporation
	Jobs For Nebraska
Scates, W. Thomas - Omaha	Omaha Education Association
Tremblay, Debra - Lincoln (Withdrawn 89/02/28)	Nebraska Association of School Boards
Zabel, Judy - Lincoln (Withdrawn 89/03/03)	Nebraska Family Council (Withdrawn 89/03/03)

ANNOUNCEMENTS

Mr. Lamb designates LB 84 as his priority bill.

Mr. Beyer designates LB 78 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 137 and LB 287 as its priority bills.

Mr. Korshoj designates LB 335 as his priority bill.

Mr. Moore designates LB 611 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 51. Introduced by McFarland, 28th District.

PURPOSE: The purpose of this resolution is to study the current method of campaign financing and campaign spending in Nebraska and to examine various methods of limiting both spending levels and contribution levels in state office elections.

The study proposed by this resolution would examine campaign finance limitations implemented in other states and would include a study of public financing methods which may be necessary to effectively and constitutionally limit campaign spending. The committee designated to conduct the study should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 438. Placed on General File.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 54. Title read. Considered.

Standing Committee amendments, AM0653, found in the Journal on page 930 for the Thirty-Seventh Day, were considered.

Mr. Hannibal and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich offered the following amendment:
FA56

To amend LB 54, on pg 3, line 16 add the following after "offense":

The department shall furnish all non-temporary food service establishments with signs or posters to write or note the type of cooking oil used and the fat content in such cooking oil.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Goodrich amendment was adopted with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

Messrs. Chizek and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 284, 284A, 499, 443, 214, 214A, 318, and 320.

GENERAL FILE

LEGISLATIVE BILL 54. Considered.

Messrs. Schellpeper and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Weihing moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. R. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Dierks	Lamb	Nelson	Scofield
Barrett	Hartnett	Landis	Peterson	Warner
Beck	Hefner	Lindsay	Pirsch	Wehrbein
Byars	Johnson, L.	Lynch	Robak	Weihing
Chambers	Kristensen	McFarland	Schimek	Wesely
Crosby				

Voting in the negative, 8:

Baack	Coordsen	Haberman	Morrissey	Withem
Conway	Elmer	Johnson, R.		

Present and not voting, 7:

Ashford	Goodrich	Korshoj	Langford	Moore
Beyer	Hall			

Absent and not voting, 1:

Bernard-Stevens

Excused and not voting, 7:

Chizek	Labedz	Schellpeper	Schmit	Smith
Hannibal	Rogers			

Advanced to E & R for Review with 26 ayes, 8 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 285. Title read. Considered.

Standing Committee amendments, AM0670, printed separately from the Journal and referred to on page 1016 for the Forty-First Day, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 733. Title read. Considered.

Standing Committee amendment, AM0210, found in the Journal on page 637 for the Twenty-Third Day, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0283, found in the Journal on page 676.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Conway asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee hearing will be in Room 2414 of the State Capitol today, March 9, 1989, instead of Room 1003 as previously scheduled.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 301	Friday, March 17, 1989	3:00 p.m.
LB 302	Friday, March 17, 1989	3:00 p.m.
LB 304	Friday, March 17, 1989	3:00 p.m.
LB 307	Friday, March 17, 1989	3:00 p.m.
LB 308	Friday, March 17, 1989	3:00 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 206. Placed on General File.

LEGISLATIVE BILL 588. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0777.)

LEGISLATIVE BILL 432. Indefinitely postponed.

LEGISLATIVE RESOLUTION 1. Indefinitely postponed.

LEGISLATIVE RESOLUTION 7CA. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper and Mrs. Nelson asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0751.)

Mr. Baack asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

AM0767

(Amendments to Final Reading copy)

1. On page 5, line 15, after "agency" insert "which are consistent with regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended".

2. On page 6, line 1, strike "such"; strike beginning with "as" in line 1 through "prescribe" in line 2; and strike beginning with "the" in line 3 through "either" in line 4.

3. On page 8, line 15, after "agency" insert

"which are consistent with regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended,".

4. On page 9, line 9, strike "under" and insert "for payments under this section according to"; and in line 17 strike "payment".

5. On page 12, line 12, after "prescribe" insert "by rules and regulations which are consistent with regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended".

6. On page 14, line 7, after "agency" insert "which are consistent with regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended".

7. On page 17, line 19, after "agency" insert "in accordance with rules and regulations adopted and promulgated by the head of the lead agency which are consistent with regulations adopted and promulgated by the United States Department of Transportation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended".

8. On page 19, line 13, strike the comma and insert "or"; and strike line 14 and insert "agency. If a settlement is effected, the court may award to the plaintiff reasonable expenses, fees, and costs.".

Mr. Chizek asked unanimous consent to print the following amendment to LB 140 in the Journal. No objections. So ordered.

AM0755

1. On page 7, strike beginning with "section" in line 3 through line 6 and insert "this section and section 77-2716. The deduction shall be the total of amounts contributed annually as limited in this subsection. Contributions made individually by a contributor and his or her spouse, filing a tax return jointly, shall be combined and considered as a combined

total for purposes of deduction. The deduction shall not exceed (a) two thousand dollars when federal adjusted gross income taxable under the Nebraska Revenue Act of 1967 is sixty thousand dollars or less pursuant to a tax return filed jointly by a contributor and his or her spouse or forty thousand dollars or less pursuant to a tax return filed other than jointly with a spouse and (b) one thousand dollars when federal adjusted gross income taxable under the act is greater than sixty thousand dollars but less than seventy thousand dollars pursuant to a tax return filed jointly by a contributor and his or her spouse or greater than forty thousand dollars but less than fifty-five thousand dollars pursuant to a tax return filed other than jointly with a spouse. No deduction shall be allowed if the federal adjusted gross income limitations prescribed in subdivisions (a) and (b) of this subsection are exceeded. No deductions except those specified in this subsection shall be allowed for contributions pursuant to the Nebraska College Savings Plan Act, notwithstanding amounts contributed, any accrued interest or gained income earned, or the contributor's taxable income.".

2. On page 22, line 16, strike "of two thousand dollars" and insert "allowed under the act".

Mr. Hall asked unanimous consent to print the following amendment to LB 781 in the Journal. No objections. So ordered.

AM0776

(Amendments to Standing Committee amendments, AM0372)

1. Strike section 9 and all amendments thereto and insert the following new section:

"Sec. 9. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic liquors, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m. The local governing body of any city or village, with respect to area within the corporate limits of such city or village, or the county board, with respect to area outside the corporate limits of any city or village, may, by ordinance or resolution, require closing prior

to 1:00 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area within the corporate limits of a city or village~~,~~ or by resolution of a county board applicable to area within such county and outside the corporate limits of any city or village, no alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic liquors, other than beer and wine, to be sold at retail or dispensed for consumption off the premises between the hours of 6:00 a.m. Sunday and 12:00 noon Sunday. If approved by ordinance or resolution of a local governing body, alcoholic liquor may be sold at retail between the hours of 12:00 noon on Sunday and 1:00 a.m. Monday. ~~1:00 a.m. Monday, or for consumption on the premises between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday.~~ This subsection shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a license issued pursuant to either subdivision (5)C. or (5)H. of section 53-124.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 6:00 a.m. on any day. Where any city or village provides by ordinance~~,~~ or any county provides by resolution~~,~~ for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.".

2. On page 3, line 1, strike "53-150" and insert "53-179".

Mr. Hall asked unanimous consent to print the following amendment to LB 781 in the Journal. No objections. So ordered.

AM0769

(Amendments to Standing Committee amendments, AM0372)

1. Strike section 9.

2. Strike amendment 9 and renumber the remaining amendment accordingly.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM0707

1. Insert the following new sections:

"Sec. 2. That section 79-1565, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1565. (1) An individual who was prior to July 19, 1980, a state school official as defined in section 79-1501, and did not become a member of the State Employees Retirement System pursuant to Chapter 84, article 13, may, within sixty days after September 1, 1986, elect to become a member of such system. An individual so electing shall pay the contributions required by such system when the service and minimum age requirements have been met.

(2) An individual who is currently a public school employee as defined in section 79-1501 or who was employed in an out-of-state or a Class V school district and who becomes employed by the State Department of Education after July 1, 1989, regardless of position, may file with the retirement board an election to remain a member of the School Retirement System, or, within thirty days after employment in the department, the individual may file an election to become a member of the State Employees Retirement System. The individual shall pay the contributions required by the system which he or she elects when all eligibility requirements are met.

~~(2) Any~~ (3) If the employee elects to join the State Employees Retirement System, such employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service if the minimum age and length of service requirements under the State Employees Retirement System

or the School Retirement System have been met and the requirements met are equal to the requirements of the State Employees Retirement System.

~~(3)~~ (4) A state school official employed by the State Department of Education after July 19, 1980, shall become a member of the State Employees Retirement System, except that on and after July 1, 1989, such state school official may elect to become a member of the School Retirement System or the State Employees Retirement System.

~~(4)~~ (5) An employee electing not to be covered by the School Retirement System under this section shall not be subject to section 79-1529~~,~~ but shall be allowed to retain his or her accumulated contribution in the system and continue to become vested in the state's accumulated contribution as well as the State Employees Retirement System according to the following:

(a) The years of participation in the School Retirement System before an election is made plus the years of participation in the State Employees Retirement System after the election is made shall both be credited toward compliance with the five-year service requirement provided under section 79-1522; and

(b) The years of participation in the School Retirement System before the election is made plus the years of participation in the State Employees Retirement System after the election is made shall both be credited toward compliance with section 84-1321.

Sec. 3. That section 84-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1301. ~~As used in~~ For purposes of the State Employees Retirement Act, unless the context otherwise requires:

(1) Employee shall mean any employee of the State Board of Agriculture who is a member of the state retirement plan on July 1, 1982, and any person or officer employed by the State of Nebraska whose compensation is paid out of state funds or funds controlled or administered by a state department through any of its executive or administrative officers when acting exclusively in their respective official, executive, or administrative capacities. Employees ~~but~~ shall not include (a) judges as defined in section

24-701, (b) members of the Nebraska State Patrol, (c) employees of the University of Nebraska, (d) employees of the state colleges, (e) employees of technical community colleges, (f) employees of the Department of Labor employed prior to July 1, 1984, and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources, (g) the Commissioner of Labor employed prior to July 1, 1984, (h) employees of the State Board of Agriculture who are not members of the state retirement plan on July 1, 1982, (i) the Nebraska National Guard air and army technicians, or (j) persons eligible for membership under the School Retirement System of the State of Nebraska who have not elected to become members of the system pursuant to subsection (1) of section 79-1565 or been made members of the system pursuant to subsection ~~(3)~~ (4) of section 79-1565, except that those persons so eligible and who as of September 2, 1973, are contributing to the State Employees Retirement System shall continue as members of such system. Any individual appointed by the Governor may elect not to become a member of such retirement system;

(2) Part-time employee shall mean an employee who works less than one-half of the regularly scheduled hours;

(3) Retirement shall mean qualifying for and terminating employment after becoming qualified to receive the retirement allowance granted under the State Employees Retirement Act;

(4) Retirement board or board shall mean the Public Employees Retirement Board;

(5) Retirement system shall mean the State Employees Retirement System of the State of Nebraska;

(6) Required contribution shall mean the deduction to be made from the salary of employees as provided in section 84-1308;

(7) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board, but shall not include any period of disability for which disability retirement benefits are received under the provisions of section 84-1317;

(8) Straight life annuity shall mean an

ordinary annuity payable for the life of the primary annuitant only and terminating at his or her death without refund or death benefit of any kind;

(9) Prior service shall mean service before January 1, 1964;

(10) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the board in order to provide the benefits described in sections 84-1319, 84-1320, 84-1321, and 84-1323 to 84-1323.02;

(11) Primary carrier shall mean the life insurance company or trust company designated as the administrator of the group annuity contract;

(12) State department shall mean any department, bureau, commission, or other division of state government, not otherwise specifically defined or exempted in the State Employees Retirement Act, ~~whose~~ the employees and officers of which are not already covered by a retirement plan;

(13) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration;

(14) Date of disability shall mean the date on which a member is determined to be disabled by the board;

(15) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(16) Fund shall mean the State Employees Retirement Fund created by section 84-1309;

(17) Guaranteed investment contract shall mean an investment contract which guarantees that the account maintained for any participant will not decrease in value, but will increase each year by the contribution allocated to the account and by investment earnings and will decrease by the amount of expenses reasonably determined to be allocated to the account; and

(18) Investment manager shall mean one or more insurance companies, bank trust departments, or independent investment advisors designated to invest any

portion of the fund.".

2. On page 4, line 6, strike "section 79-1515" and insert "sections 79-1515, 79-1565, and 84-1301"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1989, at 11:30 a.m., were the following bills: 284, 284A, 499, 443, 214, 214A, 318, and 320.

(Signed) Jan Loder, Enrolling Clerk

ANNOUNCEMENTS

The Government, Military and Veterans Affairs Committee designates LB 640 and LB 639 as its priority bills.

Mr. Abboud designates LB 592 as his priority bill.

The Revenue Committee designates LB 653 as its priority bill.

Mr. Lindsay designates LB 681 as his priority bill.

Mr. Elmer designates LB 429 as his priority bill.

BILL ON FIRST READING

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

LEGISLATIVE BILL 162A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 162, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 611. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 kindergarten through eighth grade students and teacher from District 2 School, Nebraska City; Senator Ashford's brother, Judge Mark Ashford from Omaha; 30 seventh and eighth grade students and teacher from St. Agnes Academy, Alliance; Alessandro Parone from Italy, Mary O'Shea from Ireland, Stephen Bergmann from the Federal Republic of Germany, Henrik Fisker from Denmark, and Andrzej Zdebski from Poland; 20 high school students and teacher from Odell; Josephine Baltensperger from Bushnell, Jayne and Kim Elliot from Alliance, Nina Papik from Crete, Nadine Frieke from McCook, and Lorraine Haas from Alliance; and Senator Kristensen's parents, Don and Mary Lou Kristensen from Minden.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Monday, March 13, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 13, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Jerry Carr, First 4 Square Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Chambers, Conway, Hartnett, Landis, Lindsay, Schmit, Warner, Wehrbein, Mmes. Beck, Crosby, Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 587. Placed on Select File as amended.
E & R amendments to LB 587:
AM5088

1. On page 1, line 8, strike "a term" and insert "and redefine terms" and strike the second "a"; and strike line 9 and insert "provisions relating to

membership on the Ethanol Authority and Development Board".

2. On page 10, line 23, after "villages" insert an underscored comma and strike "education" and insert "educational".

3. On page 14, line 17, reinstate the stricken "or".

4. Strike original sections 4 and 7 and all amendments thereto and insert the following new sections:

"Sec. 4. That section 66-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1304. (1) There is hereby established an independent board to be known as the Ethanol Authority and Development Board. The ~~, the~~ board shall consist of: ~~the~~

(a) The Nebraska Gasohol Committee; ~~,~~ and ~~the~~

(b) The following members to be appointed by the Governor: A ~~, a representative of the Nebraska Wheat Development, Utilization, and Marketing Board, a representative of the Corn Development, Utilization, and Marketing Board, a representative of the Grain Sorghum Development, Utilization, and Marketing Board~~ representative of wheat growers, a representative of corn growers, a representative of grain sorghum growers, and a representative of the public power industry.

The members ~~Members~~ of the board initially appointed by the Governor who are not members of the Nebraska Gasohol Committee ~~shall be appointed within thirty days of April 23, 1986, and~~ shall serve until January 1, 1990, or until their successors are appointed and qualified. Upon the expiration of the terms of such members of the board initially appointed by the Governor, the representative of wheat growers and the representative of the public power industry shall be appointed for terms of two years and the representative of corn growers and the representative of grain sorghum growers shall be appointed for terms of four years. Upon expiration of those terms, such members shall be appointed for terms of four years. Each member of the board shall serve until his or her successor is appointed and qualified. Any such member appointed by the Governor who represents wheat growers, corn growers,

or grain sorghum growers and who ceases to be such a grower may continue to serve as a member of the board until the expiration of the term of office for which such member was appointed.

(2) A vacancy on the board shall exist in the event of the death, disability, resignation, or removal for cause of a member. Any vacancy on the board arising other than from the expiration of a term shall be filled by appointment for the unexpired portion of the term. An appointment to fill a vacancy shall be made ~~by the Governor subject to the approval of the Legislature~~ in the same manner as the original appointment, and any person so appointed shall have the same qualifications as the person whom he or she succeeds. Each member of the board shall receive sixty dollars per day for each day actually and necessarily engaged in the performance of his or her duties, but not to exceed six thousand dollars in any one year, and shall be reimbursed for his or her actual and necessary expenses while so engaged as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

(3) For purposes of this section:

(a) Corn growers shall mean citizens of Nebraska who are at least twenty-one years of age, who have been actually engaged in growing corn in this state for at least five years, and who derive a substantial portion of their income from growing corn;

(b) Grain sorghum growers shall mean citizens of Nebraska who are at least twenty-one years of age, who have been actually engaged in growing grain sorghum in this state for at least five years, and who derive a substantial portion of their income from growing grain sorghum; and

(c) Wheat growers shall mean citizens of Nebraska who are at least twenty-one years of age, who have been actually engaged in growing wheat in this state for at least five years, and who derive a substantial portion of their income from growing wheat.

(4) Candidates for appointment to the board seeking to represent wheat growers, corn growers, or grain sorghum growers may place their names on a candidacy list for their respective group by filing a petition signed by at least fifty growers with the Governor.

Sec. 7. That section 66-1307.01, Revised Statutes Supplement, 1988, be amended to read as follows:

66-1307.01. (1) The board may use the fund to purchase shares of stock or otherwise make an investment ~~in~~ to facilitate the construction, acquisition, or expansion of an ethanol or ~~other~~ agricultural ~~byproduct~~ production ~~and distribution~~ facility or a facility related to the processing, marketing, or distribution of ethanol or any products derived from ethanol components, coproducts, or byproducts. The board shall establish the necessary criteria or guidelines for determining when the fund will be invested in such ~~a facility~~ facilities. The investment shall be for capital investment purposes only and shall not be used to pay operating expenses of the applicant. Application for such an investment shall be made pursuant to procedures publicly announced by the board. The board shall establish application review procedures which ~~utilize resource statements similar in content to those filed under section 66-1321 and which~~ recognize priority considerations similar to those enumerated in section 66-1323.

~~(2) The board shall adopt procedures to carry out subsection (1) of this section and shall provide necessary assistance to applicants to properly and rapidly process investment requests.~~

(2)(a) The board may make an investment pursuant to subsection (1) of this section only after receipt of an application which contains:

(i) A business plan including a description of the applicant's business enterprise and its management, product, and market;

(ii) A statement of the amount, timing, and projected use of the capital required;

(iii) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created; and

(iv) Such other information as the board shall request.

(b) Approval of the investment by the board may be made after the board finds, based upon the application submitted by the enterprise and such additional investigation as the staff of the board shall

make and incorporate in its minutes, that:

(i) The proceeds of the investment will be used only to facilitate the construction, acquisition, or expansion of facilities of the enterprise;

(ii) The enterprise has a reasonable chance of success;

(iii) The board's participation is necessary to the success of the enterprise or its retention in the state because funding for the enterprise is not readily available or because funding has been offered on terms that would hinder the success of the enterprise;

(iv) The enterprise has the reasonable potential to create a substantial amount of employment within the state;

(v) The entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(vi) The securities to be purchased are qualified securities;

(vii) There is a reasonable possibility that the board will recoup at least its initial investment; and

(viii) Binding commitments have been made to the board by the enterprise for adequate reporting of financial data to the board which shall include a requirement for an annual report or, if required by the board, an annual audit of the financial and operational records of the enterprise and for such control on the part of the board as shall be considered prudent over the management of the enterprise so as to protect the investment of the board including, in the discretion of the board and without limitation, the right of access to financial and other records of the enterprise.

(3) Before an investment is made pursuant to subsection (1) of this section, the applicant shall sign an agreement with the board stating that the funds invested are for capital investment purposes and not for operating expenses.

(4) In carrying out its functions under this section, the board is encouraged to create an investment committee to assist in evaluating potential investments in qualified securities. The membership of this investment committee may include both members and staff

of the board and other persons drawn from sources other than the board who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board. Members of the investment committee shall be reimbursed for any reasonable expenses incurred by them in the performance of duties assigned by the board pursuant to sections 81-1174 to 81-1177.

(5) The board shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than forty-nine percent of qualified securities in any one enterprise at the time of the purchase by the board after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise, except that in the event of severe financial difficulty of the enterprise threatening, in the judgment of the board, the investment of the board therein, a greater percentage of such securities may be owned by the board.

(6) On January 1, 1990, and each year thereafter, the board shall submit a report to the Legislature detailing investments made pursuant to subsection (1) of this section. The report shall include a statement of (a) the current amount invested in each company, (b) the current market value of assets of such company, and (c) the market value of the assets of such company at the time of the initial investment by the board.".

LEGISLATIVE BILL 379. Placed on Select File.
LEGISLATIVE BILL 46. Placed on Select File.
LEGISLATIVE BILL 388. Placed on Select File.
LEGISLATIVE BILL 145. Placed on Select File.

LEGISLATIVE BILL 237. Placed on Select File as amended.
E & R amendments to LB 237:
AM5087

1. On page 1, line 8, after the first semicolon insert "to authorize investments as prescribed;".

2. On page 3, line 24, strike "shall have", show as stricken, and insert "has"; and in line 25 strike "shall not have", show as stricken, and insert "has not".

3. On page 4, line 22, after the last comma insert "or"; and in line 23 strike the comma and show as stricken.

4. On page 8, line 19, after "member" insert "and the member has not completed thirty-five or more years of creditable service".

5. On page 13, line 13, strike "vote", show as stricken, and insert "votes".

6. On page 16, lines 7 and 12; and page 17, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 418. Placed on Select File.

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendments to LB 506:
AM5089

1. In the Standing Committee amendments, AM0163:

a. On page 1, line 18, strike "shall be fully funded"; and in line 20 strike "retirement"; and

b. On page 2, line 1, after "changes" insert an underscored comma; and in line 6 strike "retirement".

2. On page 3, line 9, strike the comma and show as stricken.

3. On page 5, line 23, after "or" insert "judge of the".

4. On page 13, line 20, strike the comma and show as stricken.

5. On page 14, line 8, after the second "the" insert "retirement".

6. On page 15, line 8, strike "United States" and show as stricken; and in line 11 strike the second comma and show as stricken.

7. On page 16, line 17, after "the" insert "retirement".

8. On page 18, line 1, strike "sections 24-707 and", show as stricken, and insert "section".

9. On page 19, line 10, strike "(1)" and insert "(a)"; and in line 12 strike "(2)" and insert "(b)".

10. On page 23, line 1, after the first "the" insert "retirement"; and in line 20 strike the comma and show as stricken.

11. On page 26, line 16, strike the comma and

show as stricken.

12. On page 29, line 25, after "district" insert "or agency".

13. On page 32, line 6, strike the comma and show as stricken.

14. On page 34, line 3, strike "(2)" and insert "(b)"; and in line 8 strike "(3)" and insert "(c)".

15. On page 37, line 8; and page 44, lines 1 and 3, strike "retirement".

16. On page 45, lines 8 and 25, strike the comma and show as stricken.

LEGISLATIVE BILL 449. Placed on Select File as amended.
E & R amendment to LB 449:
AM5085

1. On page 1, line 3, strike "to require an appropriation;".

LEGISLATIVE BILL 449A. Placed on Select File as amended.
E & R amendment to LB 449A:
AM5086

1. On page 2, line 14, after "Fund" insert "for the period".

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendments to LB 54:
AM5091

1. In the Goodrich amendment, FA56, strike "on pg 3, line 16" and insert "in the Standing Committee amendments, AM0653, on page 5, line 16," and after "posters" insert "on which".

2. In the Standing Committee amendments, AM0653, on page 5, line 6, strike "(1)" and insert "(a)"; in line 9 strike "(2)" and insert "(b)"; in line 18 strike "54-1902."; and in line 22 after the first period insert "Wherever the phrase sections 81-216.01 to 81-216.37 appears in section 54-1902, the Revisor of Statutes shall delete it.".

3. On page 1, line 2, strike "81-216.01 and" and after "81-216.02" insert "and 81-216.21"; and in line 8 after the semicolon insert "to provide duties for the Revisor of Statutes;".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 630. Placed on General File.

LEGISLATIVE BILL 315. Placed on General File as amended.
Standing Committee amendments to LB 315:
AM0797

1. On page 2, line 4, strike "An", show as stricken, and insert "(1) Through December 31, 1990, an"; and in line 6, strike "section", show as stricken, and insert "subsection".

2. On page 5, strike lines 2 through 18 and insert:

"3,450.01 and over 142.00

(2) On and after January 1, 1991, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 400.01 through $ 450.00	$ 20.00
450.01 through 500.00	22.00
500.01 through 550.00	24.00
550.01 through 600.00	26.00
600.01 through 650.00	28.00
650.01 through 700.00	30.00
700.01 through 750.00	32.00
750.01 through 800.00	34.00
800.01 through 850.00	36.00
850.01 through 900.00	38.00
900.01 through 950.00	40.00
950.01 through 1,000.00	42.00
1,000.01 through 1,050.00	44.00
1,050.01 through 1,100.00	46.00
1,100.01 through 1,150.00	48.00

1,150.01 through 1,200.00	.....	50.00
1,200.01 through 1,250.00	.....	52.00
1,250.01 through 1,300.00	.....	54.00
1,300.01 through 1,350.00	.....	56.00
1,350.01 through 1,400.00	.....	58.00
1,400.01 through 1,450.00	.....	60.00
1,450.01 through 1,500.00	.....	62.00
1,500.01 through 1,550.00	.....	64.00
1,550.01 through 1,600.00	.....	66.00
1,600.01 through 1,650.00	.....	68.00
1,650.01 through 1,700.00	.....	70.00
1,700.01 through 1,750.00	.....	72.00
1,750.01 through 1,800.00	.....	74.00
1,800.01 through 1,850.00	.....	76.00
1,850.01 through 1,900.00	.....	78.00
1,900.01 through 1,950.00	.....	80.00
1,950.01 through 2,000.00	.....	82.00
2,000.01 through 2,050.00	.....	84.00
2,050.01 through 2,100.00	.....	86.00
2,100.01 through 2,150.00	.....	88.00
2,150.01 through 2,200.00	.....	90.00
2,200.01 through 2,250.00	.....	92.00
2,250.01 through 2,300.00	.....	94.00
2,300.01 through 2,350.00	.....	96.00
2,350.01 through 2,400.00	.....	98.00
2,400.01 through 2,450.00	.....	100.00
2,450.01 through 2,500.00	.....	102.00
2,500.01 through 2,550.00	.....	104.00
2,550.01 through 2,600.00	.....	106.00
2,600.01 through 2,650.00	.....	108.00
2,650.01 through 2,700.00	.....	110.00
2,700.01 through 2,750.00	.....	112.00
2,750.01 through 2,800.00	.....	114.00
2,800.01 through 2,850.00	.....	116.00
2,850.01 through 2,900.00	.....	118.00
2,900.01 through 2,950.00	.....	120.00
2,950.01 through 3,000.00	.....	122.00
3,000.01 through 3,050.00	.....	124.00
3,050.01 through 3,100.00	.....	126.00
3,100.01 through 3,150.00	.....	128.00
3,150.01 through 3,200.00	.....	130.00
3,200.01 through 3,250.00	.....	132.00
3,250.01 through 3,300.00	.....	134.00
3,300.01 through 3,350.00	.....	136.00

3,350.01 through 3,400.00	.....	138.00
3,400.01 through 3,450.00	.....	140.00
3,450.01 through 3,500.00	.....	142.00
3,500.01 through 3,550.00	.....	144.00
3,550.01 through 3,600.00	.....	146.00
3,600.01 through 3,650.00	.....	148.00
3,650.01 and over	.....	150.00".

LEGISLATIVE BILL 288. Indefinitely postponed.
LEGISLATIVE BILL 316. Indefinitely postponed.
LEGISLATIVE BILL 411. Indefinitely postponed.
LEGISLATIVE BILL 652. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

ANNOUNCEMENTS

The Education Committee designates LB 259 and LB 651 as its priority bills.

Mrs. Nelson designates LB 447 as her priority bill.

Mrs. Langford designates LB 211 as her priority bill.

Mr. Coordsen designates LB 182 as his priority bill.

Mr. McFarland designates LB 437 as his priority bill.

Mr. Byars designates LB 809 as his priority bill.

Mr. Withem designates LB 247 as his priority bill.

Mrs. Crosby designates LB 356 as her priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 89012

DATE: March 9, 1989

SUBJECT: Constitutionality of legislative act providing state income tax deductions for educational expenses incurred by individuals whose dependent(s) attend public or private elementary

or secondary schools in this state which are nonprofit.

REQUESTED BY: Senator Elroy M. Hefner
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter to this office under date of February 23, 1989, you inquire if LB 346 of the Ninety-first Legislature, First Session (1989), is constitutional. The same is hereinafter discussed.

If enacted into operative law, §1 of LB 346 would amend Neb.Rev.Stat. §77-2716.01 (Supp. 1988) by adding subsection (4) thereto, which is quoted below, and thus create a state income tax deduction as follows:

(4)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, and fulfills the school term requirements prescribed in section 79- 201.

(b) For purposes of this subsection:

(i) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(ii) Transportation shall not include transportation to and from extracurricular activities; and

(iii) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return.

Sec. 2. That original §77-2716.01, Revised Statutes Supplement, 1988, is repealed.

LB 346 would obviously create a state income tax deduction for amounts expended on three types of education-related expenditures:

tuition, textbooks and transportation.(1) The proposed state income tax deduction would be available to taxpayers whose dependents attend public schools as well as to those whose dependents attend private and parochial schools operated not for profit. The bill expressly excludes from the definition of "textbooks" any "books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities." In an Opinion of the Justices to the Senate, 514 N.E.2d 353, 356 (Mass. 1987), the Supreme Judicial Court of Massachusetts had before it a proposed legislative bill almost identical to LB 346. Upon examining the statutory scheme and the anticipated functioning of that proposed legislation, the court stated:

> * * *. A deduction for tuition and textbook expenditures would be of little or no benefit to parents of public elementary or secondary school students. Public school students receive their education, including textbooks, from municipalities in the Commonwealth free of charge. G.L. c 71 (1986 ed). Therefore, the benefits of these proposed tax deductions would flow exclusively to those taxpayers whose dependents attend private schools and, as a result, to the private school themselves.

In our State, public school students receive their education, including textbooks, from school districts free of charge. Neb. Const., Art. VII, §1. Therefore, the benefits of the proposed tax deductions in LB 346 would flow exclusively to those taxpayers whose dependents attend private schools and, as a result, to the private schools themselves.

Neb. Const., Art. VII, §11, provides in pertinent part: "Notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof; * * *." The message is bold and clear. Recognition of religious freedom is expressed in §4 of Article I of the Constitution of Nebraska and recognition of the unitary principle is expressed in §11 of Article VII of the Constitution of Nebraska by the prohibition of an appropriation under any guise to any educational institution other than the public school (with two exceptions, neither of which is pertinent to your inquiry).(2) It is clear that LB 346 involves an "appropriation of public funds" within the meaning of §11 of Article VII of the Constitution of Nebraska. The fact that the expenditure here takes the form of a tax deduction rather than a direct payment out of the State's treasury does not alter the result, for it has long been recognized that the subsidies or tax expenditures of this sort are the practical equivalent of direct government grants. See, Opinion of the Justices to the Senate, supra

Regan v. Taxation with Representatives of Washington, 461 U.S. 540 (1983); Committee for Pub. Educ. & Religious Liberty v. Nyquist, 413 U.S. 756 (1973). See also, Surrey, Pathways to Tax Reform (1973); and Surrey, Tax Incentives as a Device for Implementing Government Policy; A Comparison with Direct Expenditures, 83 Harv. L. Rev. 705 (1970).

Thus, the form of payment to a private school is not dispositive on the issue of whether the payment is prohibited by the Constitution. If the aid has been channeled to individual taxpayers rather than to the private school, the focus still is on the effect of the aid, not on the recipient. In other words, the "Legislature cannot do indirectly what the Constitution prohibits it from doing directly." See, United Community Services v. Omaha National Bank, 162 Neb. 786, 798, 77 N.W.2d 576, 587 (1956).

The effect of the aid in LB 346 is underscored by the fact that the proposed state income tax deduction is essentially a reimbursement for private school tuition and textbooks. The aid is not limited to benefits that are remote from the essential function of the schools, benefits such as transportation and police and fire protection. Rather, the aid provided in LB 346 would underwrite the teaching function, the school's essential enterprise. Thus, LB 346 would support the on-going maintenance of private school education.

Conclusion

After considering the criteria discussed above, we are of the opinion that if LB 346 were enacted into operative law, it would violate Neb. Const., Art. VII, §11, at least in so far as it authorizes a state income tax deduction for amounts expended on tuition and textbooks for students of private elementary and secondary schools. We therefore answer your question "Yes." LB 346, in our opinion, is unconstitutional.

(1) The State of Nebraska authorizes school districts to provide transportation for public school and private school students pursuant to Neb.Rev.Stat. §79-487 (Reissue 1987). The statute was held constitutional in State ex rel. Bouc v. School District of Lincoln, 211 Neb. 731, 320 N.W.2d 472 (1982), at least in part, because the legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from school.

(2) The United States Supreme Court's decision in Mueller v. Allen, 463 U.S. 388 (1983), in which a Minnesota statute providing tax deductions for educational expenditures was held not to violate the establishment clause of the First Amendment to the United States

Constitution, need not enter our analysis. The language of Neb. Const., Art. VII, §11 is much more specific than the First Amendment.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

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

20-33-13

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 50.

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 1035: Demarus Carlson - Board of Educational Lands and Funds.

Voting in the affirmative, 30:

Barrett	Haberman	Korshoj	Moore	Schellpeper
Beyer	Hall	Kristensen	Morrissey	Scofield
Byars	Hannibal	Lamb	Nelson	Smith
Chizek	Hefner	Langford	Pirsch	Weihing
Coordsen	Johnson, L.	Lynch	Robak	Wesely
Dierks	Johnson, R.	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Elmer Goodrich Peterson

Excused and not voting, 16:

Abboud	Bernard-Stevens	Crosby	Landis	Schmit
Ashford	Chambers	Hartnett	Lindsay	Warner
Baack	Conway	Labedz	Schimek	Wehrbein
Beck				

The appointment was confirmed with 30 ayes, 0 nays, 3 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 49. Title read. Considered.

Standing Committee amendments, AM0652, printed separately from the Journal and referred to on page 950 for the Thirty-Eighth Day, were considered.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA57

On page 2 strike line 17, show as stricken, and insert "state shall provide for the control of noxious weeds within their jurisdiction and may appropriate money for and make".

The Elmer amendment was adopted with 21 ayes, 0 nays, 21 present and not voting, and 7 excused and not voting.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA58
On page 20 after line 18 insert the following new subsection:

"The responsibility for the cost of controlling noxious weeds on all land, including highways, roadways, streets, alleys, and right-of-way, owned or controlled by a state department, agency, commission, or board or a political subdivision of the state shall be upon the department, agency, commission, board, or political subdivision which owns or controls such land, and such costs shall be paid out of funds appropriated to its use. Such departments, agencies, commissions, boards, and political subdivisions may control the weeds on their own or may contract with the state or any political subdivision or private enterprise for services."

Mr. Elmer withdrew his pending amendment, FA58.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA59
On page 3, strike lines 20 through 23, show as stricken, and insert the following new subdivisions:

"(2)(a) Control, with respect to land, shall mean authority to operate, manage, supervise, or exercise jurisdiction over or any similar power. The state or federal government or a political subdivision shall not be deemed to control land on which it has an easement as long as it does not otherwise operate, manage, supervise, or exercise jurisdiction over the land; and

(b) Control, with respect to weeds, shall mean the eradication or the prevention, suppression, or limitation of the growth, spread, propagation, or development of weeds."

The Elmer amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA60

On page 20, line 5, after "taken" insert "and on all other land owned in the same county by the same landowner".

The Elmer amendment lost with 1 aye, 14 nays, 29 present and not voting, and 5 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA61
On page 7 in line 23 after the period add the following new language "The director shall prepare, publish, and revise as necessary a list of the these noxious weeds. The list shall be distributed to the public by the director, the state agricultural extension services, the control authorities, and any other body the director deems appropriate."

The Elmer amendment was adopted with 18 ayes, 1 nay, 25 present and not voting, and 5 excused and not voting.

Mr. Elmer offered the following amendment to the Standing Committee amendments:

FA62
On page 2, after line 12 insert the following new subdivisions:
"(6) Any person should have the right to petition for a court order requiring the control of noxious weeds when the control authorities and the department fail to carry out their duties in a timely or appropriate manner; and
(7) County and state employees and their agents should be able to exercise their responsibilities with limited liability when acting in a reasonable manner."

Mr. Elmer withdrew his pending amendment, FA62.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendments to LB 137:
AM0812
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 or surviving spouse qualified to receive such payment shall be adjusted on the effective date of this act to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement. The adjustment shall be an increase in an amount equal to three percent for each year since the date of such officer's retirement commencing on and after January 1, 1978, until December 31, 1984.
Sec. 2. After the adjustment prescribed in section 1 of this act is made, any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer or surviving spouse qualified to receive such payment shall

be adjusted on the effective date of this act to reflect changes in the cost of living and wage levels which have occurred subsequent to the date of retirement up to an annuity total amount equal to five thousand nine hundred eighty dollars for a one-member family unit. For each additional member of the family unit the amount shall be increased by two thousand forty dollars. The annuity shall be adjusted to reflect any changes in the family unit. For purposes of this section, family unit shall mean any officer and his or her spouse, a surviving spouse, any handicapped dependent child of such officer or his or her spouse, or any dependent who is younger than nineteen years of age.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Rex Haberman, Chairperson

Transportation

LEGISLATIVE BILL 424. Placed on General File as amended.
Standing Committee amendments to LB 424:
AM0656

1. Strike original sections 4 and 5 and insert the following new section:

"Sec. 4. That section 39-669.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.22. Every court in this state shall make complete records, including the judgment of conviction and orders of probation, of every case in which a person is charged with a violation of any provision of Chapter 39, articles 6 and 7, Chapter 60, articles 4 and 5, or any amendments thereto, or any traffic regulations in city or village ordinances. In the event that such person is convicted or placed on probation or that his or her bail is forfeited, a certified abstract of such judgment as provided in section 39-669.24 shall be sent within thirty days by the court to the Director of Motor Vehicles. Any abstract not received by the ~~Director of Motor Vehicles~~ director within thirty days of the date of conviction shall be reported by the director to the State Court Administrator. The ~~Director of Motor Vehicles~~ director

shall not assess such person with any points under section 39-669.26 for such violation when the person is placed on probation therefor, except that any person violating section 28-306, 39-669.01, 39-669.03, 39-669.07, 39-669.08, 39-6,104.01, or 39-6,104.02 who is placed on probation shall, unless a court has ordered the installation of an ignition interlock device pursuant to section 1 of this act, be assessed the same points as if such person were not placed on probation, until the director is advised by the court that such person previously placed on probation has violated the terms of his or her probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. When a person fails to successfully complete probation, it shall be the duty of the court to notify the director immediately.".

2. On page 2, lines 4 and 5, strike "the judgment of conviction" and insert "an order of probation".

3. On page 4, lines 11 through 13; page 5, lines 10 and 11; page 6, lines 17 through 19; page 11, lines 13 through 15; page 12, lines 14 through 16; and page 13, lines 22 through 24, strike the new matter.

4. On page 19, line 5, strike "39-669.16, 39-669.27" and insert "39-669.22".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 799. Placed on General File as amended.
Standing Committee amendments to LB 799:
AM0692

1. Strike original sections 3 and 4 and insert the following new section:

"Sec. 7. That section 60-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-424. The director shall immediately ~~forthwith~~ revoke the license of any operator upon receiving a certified copy of judgment of such operator's conviction of any of the following offenses, when such conviction becomes final: (1) Manslaughter

resulting from the operation of a motor vehicle; (2) driving a motor vehicle while under the influence of alcoholic liquor or any drug, as provided in city or village ordinances, or in section 39-669.07, and, except for revocations pursuant to sections 39-669.14 to 39-669.18, ~~; PROVIDED,~~ the period of revocation shall, in each case, correspond with the period that is determined by the court; (3) any felony in the commission of which a motor vehicle is used; (4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another; (5) perjury or making of a false affidavit or statement under oath to the director, examining officer, or other officer under this act, or under any law relating to the ownership or operation of motor vehicles; (6) conviction, or forfeiture of bail, not vacated, upon three charges of reckless driving committed within a period of twelve months; or (7) willful reckless driving as provided in city or village ordinances or as defined in section 39-669.03.".

2. On page 2, lines 2 and 11, strike "or drugs"; in line 8 strike "or with intoxicating drugs"; and strike beginning with "the" in line 20 through "or" in line 21.

3. On page 3, lines 6, 9, and 15, strike the new matter; and in line 10 strike "or the".

4. On page 4, line 14, strike beginning with "presence" through "the"; in line 16 strike beginning with "any" through "(b)"; in line 19 strike "(c)" and insert "(b)"; and in line 21 strike "(d)" and insert "(c)".

5. On page 10, strike beginning with "any" in line 8 through "(b)" in line 9; in line 11 strike "(c)" and insert "(b)"; in line 13 strike "(d)" and insert "(c)"; and in line 21 strike beginning with the first "of" through "or".

6. On page 14, line 14; and page 15, line 18, strike beginning with the first "of" through "or".

7. On page 15, line 11, strike beginning with "of" through "or".

8. On page 18, line 19, strike "an intoxicating drug or".

9. On page 21, line 10, strike "39-669.11,

39-669.14,"; and in line 11 strike "and" and after the second comma insert "and 60-424,".

10. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 434. Indefinitely postponed.
LEGISLATIVE BILL 515. Indefinitely postponed.

LEGISLATIVE RESOLUTION 27. Reported to the Legislature for further consideration with the following amendment:
AM0740

1. In the first WHEREAS, strike "transportation trust funds are" and insert "highway trust fund is".

2. In the second WHEREAS, strike "these funds are special funds" and insert "this fund is a special fund" and strike "transportation" and insert "highway".

3. In the fourth WHEREAS, strike "transportation trust funds are" and insert "highway trust fund is" and strike the second "are" and insert "is".

4. In the fifth WHEREAS, strike "transportation trust funds" and insert "highway trust fund" and strike the second "transportation" and insert "highway".

5. In the first RESOLVED, strike "transportation trust funds" and insert "highway trust fund".

LEGISLATIVE RESOLUTION 28. Reported to the Legislature for further consideration.

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 617. Placed on General File.
LEGISLATIVE BILL 710. Placed on General File.

LEGISLATIVE BILL 293. Indefinitely postponed.
LEGISLATIVE BILL 387. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 215. Placed on General File.
LEGISLATIVE BILL 377. Placed on General File.
LEGISLATIVE BILL 669. Placed on General File.

LEGISLATIVE BILL 555. Placed on General File as amended.
Standing Committee amendments to LB 555:
AM0573

1. Strike the original section and insert the following new section:

"Section 1. All law enforcement personnel or other governmental officials having custody of any person under eighteen years of age arrested, restrained, detained, or deprived of his or her liberty for whatever reason shall permit such person, without unnecessary delay after arrival at a police station or detention facility, to call or consult, except when exigent circumstances exist, an attorney who is retained by or on behalf of such person in custody or whom the person in custody may desire to consult. An attorney shall be permitted to see and consult with the person in custody alone and in private at the place of custody.".

LEGISLATIVE BILL 685. Placed on General File as amended.
Standing Committee amendments to LB 685:
AM0807

1. Strike original sections 2 and 3.
2. On page 4, line 25, strike "sections" and insert "section".
3. On page 5, line 1, strike "29-825, and 29-826,".
4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 85. Indefinitely postponed.
LEGISLATIVE BILL 178. Indefinitely postponed.
LEGISLATIVE BILL 179. Indefinitely postponed.
LEGISLATIVE BILL 345. Indefinitely postponed.
LEGISLATIVE BILL 463. Indefinitely postponed.
LEGISLATIVE BILL 478. Indefinitely postponed.
LEGISLATIVE BILL 561. Indefinitely postponed.

LEGISLATIVE BILL 721. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

ANNOUNCEMENTS

The Revenue Committee designates LB 762 as its priority bill.

The Urban Affairs Committee designates LB 95 and LB 444 as its priority bills.

Mr. Hartnett designates LB 603 as his priority bill.

Mr. Hannibal designates LB 739 as his priority bill.

Ms. Schimek designates LB 606 as her priority bill.

The Natural Resources Committee designates LB 761 and LB 289 as its priority bills.

Mr. Schmit designates LB 807 as his priority bill.

Mrs. Labedz designates LB 769 as her priority bill.

Mr. Ashford designates LB 705 as his priority bill.

Mr. Wehrbein designates LB 438 as his priority bill.

Ms. Scofield designates LB 710 as her priority bill.

Mr. Bernard-Stevens designates LB 643 as his priority bill.

Mr. Chambers designates LB 588 as his priority bill.

Mrs. Pirsch designates LB 330 as her priority bill.

Mrs. Smith designates LB 767 as her priority bill.

The General Affairs Committee designates LB 736 and LB 780 as its priority bills.

Mr. Peterson designates LB 395 as his priority bill.

The Transportation Committee designates LB 280 as its priority bill.

Mr. Landis designates LB 311 as his priority bill.

Mr. Schellpeper designates LB 683 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM0801

1. On page 2, lines 7 and 9, after "to" insert "Nebraska"; in line 11 strike "Nebraska's" and insert "Nebraska elementary and"; and in line 13 after "about" insert "Nebraska".

2. On page 3, line 7, after "Nebraska" insert "elementary and secondary"; in line 13 strike ". The" and insert ", which"; in line 16 strike "State" and insert "States"; strike beginning with "to" in line 19 through "(6)" in line 21; and in line 23 after "covering" insert "public" and strike "(7)" and insert "(6)".

3. On page 4, line 12, strike "three" and insert "six"; and in lines 23 and 24 strike "state's public and private" and insert "Nebraska elementary and secondary".

4. On page 5, line 2, after "on" insert "public"; in line 14 strike "$300,000" and insert "$220,649"; and in line 16 strike "$615,000" and insert "$473,261".

5. In the E & R amendments, AM5077, on page 1, line 3, strike "page 2, line 11;".

Mr. Withem asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM0815

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 Nebraska School Restructuring Act.

Sec. 2. (1) The Legislature hereby finds and declares that:

(a) Global economic competition is making new demands upon the school system of the state;

(b) The competitiveness of the United States in the new global economy will require that schools effectively educate all students, preparing them to develop the capacity to learn new skills and tasks quickly and to apply this knowledge in creative and imaginative ways, in novel contexts, and in collaboration with others;

(c) The need to fundamentally restructure education to meet the challenges and opportunities of a constantly changing technological economy is recognized and endorsed by such diverse groups as the Committee for Economic Development, an organization of some eighty chief executive officers of American corporations, the Education Commission of the States, the National Education Association, the American Federation of Teachers, and the National Governors' Association;

(d) The restructuring of the education system is a long-term, evolving process, with the principal goal being to develop an education system that ensures that all students learn to use their minds well as a result of their education;

(e) The Legislature's December 1988 symposium on school restructuring revealed significant interest in restructuring among Nebraska teachers, parents, administrators, school board members, business persons, and state education policymakers and also revealed that some classrooms and schools are now engaging in restructuring in one form or another; and

(f) Restructuring of the state's education system is consistent with the long-term strategies identified in the New Horizons for Nebraska process, including those strategies that call for investing and not just spending for state incentives for local initiatives, for public-private partnerships, for active citizen involvement in developing visions for the future, and for the leveraging of public resources through interagency cooperation.

(2) It is the intent of the Nebraska School Restructuring Act to stimulate ideas and visions that go beyond the traditional models of schooling, to provide state incentives for local initiatives in the restructuring of schools, and to encourage the

development of public-private partnerships in establishing and supporting reform in education.

Sec. 3. (1) The Legislative Council shall organize and conduct Talking With Educators forums on school restructuring. The purpose of the forums shall be to provide educators, policymakers, and laypersons an opportunity to explore the concepts and principles of school restructuring, as well as to stimulate action on the part of local communities that determine to implement change in their school structures.

(2) At least one forum shall be conducted on a statewide basis. While local forums will depend upon local community interest and support, the Legislative Council shall make the opportunity for local forums available to as broad a geographical representation of the state as possible.

(3) The Legislative Council shall receive such assistance as is available and appropriate from the State Department of Education in organizing the forums. Consistent with other provisions of law, the Legislative Council may contract for services in organizing and conducting the forums and is encouraged to seek private sector support in organizing and conducting the forums.

(4) Upon completion of the forums, the Legislative Council shall make a report on the results of the forums to the Legislature, the Governor, the State Board of Education, and the State Department of Education.

Sec. 4. (1) The Model School Restructuring Program is hereby created. The program shall be administered by the State Department of Education and overseen by a School Restructuring Commission which is hereby created. The purpose of the program is to provide state incentives for local schools and school districts to undertake school restructuring projects.

(2) The commission shall consist of twelve members as follows:

(a) Two persons shall be appointed by the Governor upon the recommendation of the Legislature's Committee on Education;

(b) One person shall be appointed by the Commissioner of Education as a representative of the State Department of Education;

(c) One person shall be appointed by the

Governor as a representative of the Governor's office;

(d) One person shall be appointed by the Governor as a representative of a local school board;

(e) One person shall be appointed by the Governor as a representative of school administrators;

(f) One person shall be appointed by the Governor as a representative of teachers;

(g) Two persons shall be appointed by the Governor as representatives of higher education;

(h) Two persons shall be appointed by the Governor as representatives of the business community; and

(i) One person shall be appointed by the Governor as a representative of educational service units.

(3) Appointment of the members of the commission shall be made within thirty days after the effective date of this act and shall be confirmed by the Legislature during its next session. Vacancies on the committee shall be filled in the same manner as the initial appointments and shall be made within thirty days of the creation of such vacancy.

(4) The commission shall serve in an advisory capacity to the State Department of Education on all aspects of the program and shall:

(a) Recommend guidelines for the distribution of incentive grants under the program; and

(b) Review and rank all grant applications.

(5) The commission may receive staff support from the Legislative Council, the Governor's Office of Policy Research, and the State Department of Education.

(6) The commission shall make annual reports to the Legislature, the Governor, the State Board of Education, and the State Department of Education on the program.

(7) Members of the commission shall be reimbursed for actual and necessary expenses incurred in carrying out their duties under the Nebraska School Restructuring Act. Reimbursement shall be made as provided in sections 81-1174 to 81-1177.

(8) The commission shall terminate and be dissolved effective June 30, 1991.

Sec. 5. (1) The guidelines for approving incentive grants under the Model School Restructuring

Program shall take into consideration:

(a) The results of the Talking With Educators forums;

(b) Local community, local school, and local school district support, including matching funds and in-kind contributions;

(c) The intended purposes for the expenditure of grant money under the program;

(d) Provisions for evaluation of project results by the grant applicant; and

(e) Indications of long-term, ongoing school restructuring activities independent of the incentive grant program.

(2) No grant shall exceed forty thousand dollars in any single school year. To the extent possible, grant recipients shall reflect the state's diversity in school size and geography. Any accredited Nebraska school or school district may apply for a model school restructuring grant. Incentive grants for school restructuring projects may be made beginning with the 1990-91 school year, pursuant to appropriations for that purpose.

Sec. 6. The State Board of Education may waive any State Department of Education rule or regulation and the board of education of each participating school may waive any school board policy which has been identified as a barrier in any model school restructuring plan upon a showing that such rule, regulation, or policy will be a substantial impediment to success of the restructuring plan.

Sec. 7. (1) There is hereby appropriated $75,000 from the General Fund for the period July 1, 1989, to June 30, 1991, to the Legislative Council, Program 126, to aid in carrying out the provisions of section 3 of this act.

(2) There is hereby appropriated $200,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Department of Education for distribution to schools and school districts as incentive grants under the Model School Restructuring Program.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Withem asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM0804

1. On page 3, line 7; page 6, lines 9 and 22; page 9, line 11; and page 11, line 24, strike "fifteen" and insert "ten".

ATTORNEY GENERAL'S OPINION

Opinion No. 89013

DATE: March 7, 1989

SUBJECT: Constitutionality of Legislative Amendment Authorizing Selection Between Retirement Plans by Employees of the Nebraska Department of Education

REQUESTED BY: Senator Rex Haberman, Chairman
Nebraska Retirement Systems Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your inquiry concerning whether a legislative proposal which authorizes certain state employees to elect to not participate in the State Employees Retirement System would be constitutionally valid.

You have indicated that you are considering an amendment to Neb.Rev.Stat. § 79-1565 (Reissue 1987) which would ". . . allow individual who is a public school employee (defined in § 79-1501), who is subsequently hired by the State Department of Education, an option to remain in the School Retirement System or to become a member of the State Employees Retirement System." Neb.Rev.Stat. § 79-1565 (Reissue 1987) currently provides that employees of the Nebraska Department of Education (State school officials) employed after July 19, 1980, shall become members of the State Employees Retirement System.

Generally, legislation which creates a class of persons and further divides that class and designates different rules for these divisions have been found to be special laws and constitutionally invalid. A legislative act which confers special or exclusive privileges or

immunities to individuals is expressly prohibited by Article III, Section 18, of the Constitution of the State of Nebraska.

Whether a law is special and thereby constitutionally invalid is determined by the nature of the legislatively created class. Aschenbrenner v. Nebraska Public Power Dist., 206 Neb. 157, 291 N.W.2d 720 (1980); State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980).

The class which would be created by the proposed amendment would be employees of the Department of Education who have previously been public school employees. The election to join or not join the State Employees Retirement System would be afforded only those Department of Education employees who have previously been public school employees. Similarly situated employees are excluded from the class. That is, other state employees who have previously been public school employees appear to be excluded from the class. Further, other employees of the Department of Education with prior employment experience other than as a public school employee also appear to be excluded from the class.

Since we have no knowledge as to the reasons for creating this special division or class of state employees, we are unable to determine the necessity or actual basis for the different treatment of similarly situated employees. Without this information, it is difficult to render an opinion with certainty concerning whether the class would be reasonable or whether a rational basis exists for the class.

Generally, classification is proper if the special class has some distinction from other subjects of a like general character. While we do not have sufficient information to determine the distinction, our Supreme Court has generally been supportive of legislative acts dealing with the State's various retirement systems. In upholding the validity of the State Employees Retirement Act in Gossman v. State Employees Retirement System, 177 Neb. 326, 129 N.W.2d 97 (1964), the court noted that the Act did not deal with a tax or with a regulation or invasion of the freedom of a citizen under the police, health, or welfare clauses of the Constitution. All that is required is that the classifications and the requirements have some reasonable relationship to the purposes and objectives of the Act.

If creation of the special class was deemed necessary by the Legislature to offer special inducements to attract certain employees or to meet competitive provisions of other retirement acts, it would be our conclusion that the classification would be reasonable. Accordingly, it would be our opinion that the proposed legislation which would authorize certain employees to elect to not join the State Employees Retirement Systems would not be prohibited by Article III, Section 18, of the Constitution of the State of Nebraska.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-01-14.1

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

SELECT FILE

LEGISLATIVE BILL 140. Mr. Moore withdrew his pending motion to indefinitely postpone.

Mr. Chizek renewed his pending amendment, AM0755, found in the Journal on page 1050.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chizek amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Wehrbein and Schmit offered the following amendment:
FA63

1. On page 18, line 18, strike "There", show as stricken, and insert "For tax years beginning or deemed to begin on or after January 1, 1989, there"; and in line 22 after "instrumentalities" insert "purchased after January 1, 1987,".

Mr. Hefner requested a ruling of the Chair on whether the Wehrbein-Schmit amendment is germane to the bill.

The Chair ruled the Wehrbein-Schmit amendment is not germane to the bill.

Mr. Wehrbein challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Moore requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 14:

Chambers	Hall	Lindsay	Robak	Wesely
Conway	Johnson, L.	Morrissey	Schmit	Withem
Elmer	Langford	Pirsch	Wehrbein	

Voting in the negative, 18:

Ashford	Dierks	Korshoj	Moore	Scofield
Byars	Hartnett	Kristensen	Schellpeper	Smith
Coordsen	Hefner	Labedz	Schimek	Warner
Crosby	Johnson, R.	Landis		

Present and not voting, 12:

Barrett	Goodrich	Lamb	McFarland	Peterson
Beck	Haberman	Lynch	Nelson	Weihing
Chizek	Hannibal			

Excused and not voting, 5:

Abboud	Baack	Bernard-Stevens	Beyer	Rogers

The motion to overrule the Chair lost with 14 ayes, 18 nays, 12 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. Chizek moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chizek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Ashford	Beck	Chambers	Conway	Crosby

Dierks	Hefner	Langford	Lynch	Wehrbein
Hall	Kristensen	Lindsay	Pirsch	Withem
Hartnett	Labedz			

Voting in the negative, 19:

Barrett	Johnson, L.	McFarland	Robak	Warner
Chizek	Korshoj	Morrissey	Schellpeper	Weihing
Coordsen	Lamb	Nelson	Schimek	Wesely
Hannibal	Landis	Peterson	Scofield	

Present and not voting, 7:

Byars	Goodrich	Johnson, R.	Moore	Smith
Elmer	Haberman			

Excused and not voting, 6:

Abboud	Bernard-	Beyer	Rogers	Schmit
Baack	Stevens			

Failed to advance to E & R for Engrossment with 17 ayes, 19 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 611. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0783.)

LEGISLATIVE BILL 739. Placed on General File as amended.
Standing Committee amendments to LB 739:
AM0778

1. Strike original sections 1 and 3.
2. On page 6, line 24, strike "sections 77-2715.02," and insert "section"; and in line 25 strike "and 77-2716.01,".
3. On page 7, line 1, strike "are" and insert "is".
4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 747. Placed on General File as amended.
Standing Committee amendment to LB 747:
AM0781

1. On page 2, line 10, strike "three" and insert "six".

LEGISLATIVE BILL 807. Placed on General File as amended.
Standing Committee amendments to LB 807:
AM0780

1. Strike sections 5 through 18 and insert the following new section:

"Sec. 5. That original section 72-240.26, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 3, line 1, after the second comma insert "or upon the termination of any existing lease, whichever occurs later,"; in lines 5 and 6 strike "leasehold interest, easement," and insert "easement"; in line 13 after "Nebraska" insert "or upon the termination of any existing lease, whichever occurs later,"; and in lines 14 and 15 strike "leasehold interest, easement," and insert "easement".

3. On page 4, line 5, strike "operative" and insert "effective".

LEGISLATIVE RESOLUTION 18CA. Indefinitely postponed.

LEGISLATIVE BILL 405. Indefinitely postponed.
LEGISLATIVE BILL 406. Indefinitely postponed.
LEGISLATIVE BILL 522. Indefinitely postponed.
LEGISLATIVE BILL 528. Indefinitely postponed.
LEGISLATIVE BILL 634. Indefinitely postponed.
LEGISLATIVE BILL 655. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 700. Indefinitely postponed.
LEGISLATIVE BILL 774. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0838

(Amendments to E & R amendment, AM5080)

1. On page 3, line 11, after "wrongdoing" insert an underscored comma, after "and" insert "when any unmarked human burial must be disturbed for any of the reasons listed in this subdivision, ensure", and strike "be" and insert "of such site is"; in line 17 after "any" insert "item or"; and strike lines 19 and 20 and insert "with the human skeletal remains of an individual at the time of burial and which can be traced with a reasonable degree of certainty to the specific human skeletal remains with which it or they were buried;".

2. On page 4, line 13, strike "and"; after line 13 insert the following new subdivision:

"(6) Society shall mean the Nebraska State Historical Society; and"; and in line 14 strike "(6)" and insert "(7)".

3. On page 5, line 7, after "landowner" insert "on whose property the human skeletal remains or burial goods were discovered".

4. On page 6, line 17, strike "associated with" and insert "tribally linked to".

5. On page 7, line 4, after the period insert "In no case shall any human skeletal remains that are reasonably identifiable as to familial or tribal origin be displayed by any entity which receives funding or official recognition from the state or any of its political subdivisions."; in line 10 after "reinterred" insert "as provided in subsection (2) of this section"; strike beginning with "During" in line 11 through line 12; in line 13 strike "Notwithstanding" and insert "(1) Except as provided in subsection (2) of this section and notwithstanding"; and in lines 23 and 24 strike "relatives" and insert "relative" and strike "tribes" and insert "tribe".

6. On page 8, line 3, strike ", except" and insert ". The deadline for the return of remains and goods imposed by this subsection may be extended by mutual written agreement of the requesting relative or Indian tribe and the institution, agency, organization, or other entity which is in possession or control of the items sought to be returned."; in line 4 strike "that any" and insert paragraphing and

"(2) Any"; in line 9 after the period insert "The deadline for the return of remains and goods imposed by this subsection may be extended by mutual written agreement of the requesting relative or Indian tribe and the institution, agency, organization, or other entity which is in possession or control of the items sought to be returned."; in line 10 strike the first comma and insert "or" and strike ", or"; in line 11 strike "Indian tribal member"; and strike beginning with "unmarked" in line 19 through "located" in line 20 and insert "alleged violation occurred".

7. On page 9, line 3, after "acquired" insert "as a result of".

8. On page 11, line 22, strike "domestic".

Mr. Baack asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0837

(Amendments to the E&R amendment, AM5080)

1. On page 5, after line 4 insert:

"If human skeletal remains or burial goods associated with an unmarked human burial in or on the ground are discovered by any employee, contractor, or agent of the Department of Roads in conjunction with highway construction, any construction in the area immediately adjacent to such remains or goods shall cease. The department or any of its employees, contractors, or agents shall within forty-eight hours of the discovery of the remains or goods report the presence and location of the remains or goods to a local law enforcement officer in the county in which the remains or goods are found. Any remains or goods may then be removed from the site following an examination by the appropriate agency in accordance with section 39-1363 and any applicable federal requirements. Following removal, the remains or goods shall be disposed of in accordance with the Unmarked Human Burial Sites and Skeletal Remains Protection Act. The construction project may continue once the remains or goods have been removed.".

Mr. Baack asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0840

(Amendments to the E&R amendment, AM5080)

1. On page 7, line 4, after the period insert "In no case shall any human skeletal remains that are reasonably identifiable as to familial or tribal origin be displayed by any entity which receives funding or official recognition from the state or any of its political subdivisions without the written consent of the family or tribe."; and strike beginning with "During" in line 11 through line 12.

Mr. McFarland asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments, AM0778)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0844.)

Mr. McFarland asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM0819

1. On page 2, line 25, strike the second "1.87", show as stricken, and insert "2.06".

Mr. Baack asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM0709

(Amendments to AM5078)

1. Insert the following new sections:

"Sec. 18. By September 1, 1991, and each year thereafter until 1995, the State Department of Education shall provide a report to the Legislature concerning the operation of the enrollment option program over the previous year. The report shall include, but not be limited to, the following information:

(1) The amount of money deposited into the Option Support Fund by resident school districts, the amount of money withdrawn by option school districts, the current balance of the fund, and whether a deficit appropriation was required;

(2) The number of students who applied to attend an option school district and the number of

students whose applications were approved by each option school district;

(3) The educational reasons listed for the transfer to option school districts;

(4) The number of students whose applications were rejected by option school districts and the reasons for the rejection;

(5) The number of appeals regarding the rejection of applications before the State Board of Education and the number of appeals which were successful;

(6) Which school districts participated in the enrollment option program and the number of students from each resident school district who transferred to an option school district;

(7) Any problems that the department became aware of regarding the enrollment option program and any suggestions for improvement in the current provisions of the program; and

(8) Any other pertinent data that would help the Legislature refine the enrollment option program.

Sec. 20. That section 79-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-420. When, for a period of one school term, a school district (1) has less than three legal voters residing therein or (2) either fails to maintain a public elementary school within the district, in which are enrolled and in regular attendance for at least one thousand thirty-two hours one or more pupils of school age residing in the district, other than option students as defined in section 2 of this act, or does not contract for the tuition and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one thousand thirty-two hours under such contract or contracts, it shall be the duty of the county superintendent of the county in which such district lies to dissolve such district and attach the territory of such district to one or more neighboring school districts, except that before dissolving a district under this section, the county superintendent shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before

such hearing. ~~In such instances where such dissolution shall~~ When the dissolution will create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board or board of education of the district and the recommendation of the county superintendent of the county in which the district is located, annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area.

If the county superintendent finds that the district is required by this section to be dissolved, he or she shall enter an order dissolving the district and attach the territory of such district to one or more neighboring school districts. Dissolutions involving the transfer of territory across county lines shall be acted upon jointly by the county superintendents of the counties concerned. Appeals from the action of the county superintendent may be made to the district court of the county of the official concerned. The county superintendent shall distribute the assets of the closed district among the other district or districts to which the property has been attached in proportion to the actual valuation of the property attached to such district or districts.".

2. On page 2, line 5, strike "17" and insert "18"; and in line 24 after the period insert "This program shall not apply to any student in the ninth, tenth, eleventh, or twelfth grade who resides in a Class I school district that is not part of a Class VI school district.".

3. On page 4, line 4, after the second "district" insert "and to the State Department of Education"; in line 5 strike "school year" and insert "and subsequent school years"; in line 18 after "to" insert "the school board or board of education of"; and in line 19 after "district" insert "and to the department".

4. On page 5, line 17, after the first comma insert "or"; and strike beginning with the second comma in line 17 through "costs" in line 18.

5. On page 6, strike beginning with "and" in line 8 through "plan" in line 10 and insert ". The school board or board of education of such school

district shall adopt specific standards for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district"; in line 13 strike "and" and insert an underscored comma; in line 14 after the first comma insert "and the State Department of Education,"; and in line 23 strike "1 to 17" and insert "3 to 8".

6. On page 7, line 2, after "deadlines" insert "for application and approval or rejection"; and in line 14 after "competition" insert "sponsored by the option school district, the resident school district, or both".

7. On page 18, line 22, strike "17" and insert "18".

8. On page 19, line 9, after "sections" insert "79-420,".

Mr. Baack asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM0861

(Amendments to AM5078)

1. Strike sections 14 and 16.

2. On page 8, strike beginning with "On" in line 21 through line 24.

3. On page 9, strike beginning with "remit" in line 1 through the period in line 9 and insert "The resident school district shall, for each option student who resides in such school district, including option students who are handicapped, remit to the option school district in two equal payments, with the first payment on or before January 15 and the second payment on or before June 15 of each school year, an amount equal to the appropriate rate as established in subdivisions (1) through (4) of section 79-1334, plus the appropriate rate as established in subdivisions (1)(a) through (1)(d) of section 79-1336. The State Department of Education shall notify every school district by July 15 of each year regarding the rates calculated pursuant to this section for the upcoming school year."; and after line 13 insert the following new paragraph:

"If an option student relocates in a different

school district during the school year, the resident school district shall prorate the amount remitted to the option school district pursuant to this section according to the proportionate amount of time the student attended the option school district.".

4. Renumber the remaining sections accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM0852

(Amendments to the Final Reading copy)

1. On page 23, line 4, after "purchase" insert "in the aggregate"; and strike beginning with "from" in line 5 through "retailers" in line 6.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 653A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 653, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 285A. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 285, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 335A. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 335, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 49A. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 49, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 226A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Ninety-first Legislature, First Session, 1989.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 415. Placed on General File as amended.
Standing Committee amendment to LB 415:
AM0809

1. On page 5, line 12, after the period insert "For purposes of subdivision (d) of this section, labor dispute shall not include an employer lockout of employees.".

(Signed) George Coordsen, Chairperson

General Affairs

LEGISLATIVE BILL 477. Indefinitely postponed.
LEGISLATIVE BILL 568. Indefinitely postponed.
LEGISLATIVE BILL 572. Indefinitely postponed.
LEGISLATIVE BILL 660. Indefinitely postponed.
LEGISLATIVE BILL 766. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

Urban Affairs

LEGISLATIVE BILL 498. Indefinitely postponed.
LEGISLATIVE BILL 633. Indefinitely postponed.
LEGISLATIVE BILL 671. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM0817

1. Insert the following new sections:

"Sec. 3. That section 44-4220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4220. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the business of health insurance and, in addition thereto, the power to carry out the provisions and purposes of the Comprehensive Health Insurance Pool Act, including the specific authority to:

(1) (a) Enter into contracts as are necessary or proper, including the authority, with the approval of the director, to enter into contracts with similar pools from other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions; and

(b) Enter into contracts, with the approval of the director, with any physician, hospital, or other person licensed or otherwise authorized in this state to furnish health care services for arranging a health care plan as defined in section 44-3206 or for participating in an insurance arrangement as defined in section 44-4104;

(2) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against pool members;

(3) Take such legal action as necessary to avoid the improper issuance of coverage provided by or through the pool;

(4) Establish appropriate rates and rate schedules, expense allowances, agents' solicitation and referral fees, claim reserves and formulas, and any other actuarial functions appropriate to the operation of the pool;

(5) Assess members of the pool at the end of each calendar year and make advance interim assessments as may be reasonable and necessary to provide for losses resulting from claims incurred under the act and for

administrative, organizational, and interim operating expenses to assure the financial stability of the pool. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the calendar year. Assessments shall be due and payable within thirty days of receipt of the assessment notice;

(6) Issue policies of insurance in accordance with the requirements of the plan of operation and the act;

(7) Appoint from among members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the pool;

(8) Borrow money to effectuate the purposes of the act. Any notes or other evidence of indebtedness of the pool not in default shall be legal investment for insurers and may be carried as admitted assets; and

(9) Enter into reinsurance agreements and establish rules, conditions, and procedures for reinsuring risks under the act.

Sec. 4. That section 44-4222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4222. (1) A person shall not be eligible for initial or continued coverage under the pool if:

(a) He or she is eligible for medicare benefits or medical assistance established pursuant to sections 68-1018 to 68-1025 or is a resident or inmate of a correctional facility;

(b) He or she has terminated coverage in the pool, unless twelve months have elapsed since such termination;

(c) The pool has paid out five hundred thousand dollars in claims for the person; or

(d) He or she is no longer a resident of Nebraska.

(2) Coverage under the Comprehensive Health Insurance Pool Act shall terminate for any person on the date the person becomes ineligible under subsection (1) of this section.

~~(3) Any person whose health insurance coverage is involuntarily terminated for any reasons other than~~

~~nonpayment of premium and who is not eligible for a conversion policy may apply for coverage under the Comprehensive Health Insurance Pool Act, but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if coverage is applied for under the act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, the effective date of the coverage shall be the day following termination of the previous coverage. Any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the prior health insurance coverage have been satisfied. The board may assess an additional premium for coverage provided under the act in this manner, notwithstanding the premium limitations stated in section 44-4227.~~

Sec. 5. That section 44-4227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4227. Premium rates charged for pool coverage may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Rates shall directly relate to the coverage provided, risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age, sex, and area variation in claim costs in accordance with established actuarial and underwriting practices.

The pool shall determine the standard risk rate by calculating the average individual rate charged by the five insurers writing the largest amount of individual health insurance coverage in the state actuarially adjusted to be comparable with the pool coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated risk experience and expenses for such coverage. The initial annual premium rate established for pool coverage shall not be more than one hundred thirty-five percent of rates established as applicable for individual standard risks. Subsequent annual rates shall be established to provide for the

expected costs of claims, including recovery of prior losses, expenses of operation, investment income of claim reserves, and any other cost factors subject to the limitations described in this section. In no event shall pool rates exceed one hundred sixty-five percent of rates applicable to individual standard risks. ~~, except as provided by subsection (3) of section 44-4222.~~ All rates and rate schedules shall be submitted to the director for approval.

Sec. 6. That section 44-4228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4228. ~~Except as provided by subsection (3) of section 44-4222, pool~~ Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition (1) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or (2) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

Sec. 7. Sections 1, 2, and 8 of this act shall become operative three months after adjournment of the Ninety-first Legislature, First Session. The other sections of this act shall become operative on their effective date.

Sec. 9. That original sections 44-4220, 44-4222, 44-4227, and 44-4228, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM0859

(Amendments to AM0751)

1. On page 3, line 6, after "thirty" insert

"semester" and after "hours" insert "or the equivalent thereof".

2. On page 4, lines 10, 12, 20, and 23, before "students" insert "full-time".

3. On page 5, line 11, strike beginning with "1992-1993" through the third comma and insert "1991-1992, 1992-1993, and 1993-1994,".

4. On page 6, line 24, after the period insert "Such awards shall be allocated pursuant to the ratio of the number of students in each such program to the total number of students in all such programs in the State of Nebraska.".

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 537. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0766.)

LEGISLATIVE BILL 646. Placed on General File as amended.
Standing Committee amendment to LB 646:
AM0786

1. Strike the original section and insert the following new section:

"Section 1. Any hospital required to be licensed pursuant to section 71-2018 shall not deny clinical privileges to physicians and surgeons, podiatrists, osteopathic physicians, osteopathic physicians and surgeons, or dentists solely by reason of the license held by the practitioner. Each such hospital shall establish reasonable standards and procedures to be applied when considering and acting upon an application for medical staff membership and privileges. Once an application is determined to be complete by the hospital and is verified in accordance with such standards and procedures, the hospital shall notify the applicant of its recommendation regarding membership and privileges within one hundred twenty days.".

LEGISLATIVE BILL 662. Placed on General File as amended.
Standing Committee amendments to LB 662:
AM0785

1. Insert the following new section:

"Sec. 30. The Department of Correctional Services, the Department of Health, the Department of Public Institutions, the Department of Social Services, and the State Department of Education shall, by November 15, 1989, submit to the Legislature a plan for defining the roles and responsibilities for each such department in the provision of services to children and families. Such plan shall define a system of family support services and of youth mental health services and the relationship between the two systems, shall list the minimum services to be provided as part of each system, shall identify who is to provide the services, the target population for such services, and a timeline for implementation, shall list the fiscal estimates and estimate of staff required to implement such systems, and shall list statutes, rules, or regulations that need to be amended, implemented, or adopted and promulgated to effectuate such changes. The plan shall further provide for a process of disseminating information about the proposal and receiving comments, shall define the nature of the accountability of each department, and shall provide for a mechanism for conducting a continuous needs assessment and handling complaints about the system expeditiously.".

2. On page 2, line 16, after the period insert "The family policy objectives prescribed in sections 43-532 to 43-534 shall not be construed to mean that children shall be left in environments that are physically, developmentally, or emotionally harmful either immediately or cumulatively. While children may develop best in nurturing families, families shall not be kept together at the expense of a child's best interests and safety.".

LEGISLATIVE BILL 539. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 84. Placed on General File as amended.
Standing Committee amendment to LB 84:
AM0779

1. On page 4, line 9, after "paid" insert "up to a maximum of two thousand five hundred dollars per property taxpayer".

(Signed) Tim Hall, Chairperson

ANNOUNCEMENTS

Mr. Morrissey designates LB 569 as his priority bill.

Mr. Kristensen designates LB 586 as his priority bill.

Mr. Chizek designates LB 747 as his priority bill.

The Judiciary Committee designates LB 215 and LB 377 as its priority bills.

The Appropriations Committee designates LB 468 and LB 258 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB 319 and LB 272 as its priority bills.

Mr. Barrett designates LB 575 as his priority bill.

Mr. Warner designates LB 77 as his priority bill.

The Business and Labor Committee designates LB 541 and LB 630 as its priority bills.

Mr. Goodrich designates LB 591 as his priority bill.

The Agriculture Committee designates LB 161 and LB 162 as its priority bills.

Mr. R. Johnson designates LR 2CA as his priority resolution.

Mr. Wesely designates LB 431 as his priority bill.

The Health and Human Services Committee designates LB 678 and LB 720 as its priority bills.

Mr. Hefner designates LB 325 as his priority bill.

Mr. L. Johnson designates LB 646 as his priority bill.

Mrs. Robak designates LB 628 as her priority bill.

Mr. Conway designates LB 714 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM0862

(Amendments to AM5078)

1. Strike section 21 and insert the following new section:

"Sec. 4. For purposes of all duties, entitlements, and rights established by law, including special education as provided in section 79-3320, except transportation as provided in section 10 of this act, option students shall be treated as resident students of the option school district.".

2. On page 9, strike lines 14 through 21.

3. On page 10, line 13, strike "resident" and insert "option"; and after line 15 insert the following new paragraphs:

"The resident school district of an option student shall be exempted from the payment responsibility set forth in section 79-3330.

For purposes of calculation to determine reimbursement pursuant to section 79-3332, the option school district shall not include the adjusted average per pupil cost, as defined in section 79-3304, of option handicapped students. The resident school district shall include such adjusted average per pupil cost when determining such reimbursement for each Level II handicapped student attending an option school district. Any resident school district in which the adjusted average per pupil cost exceeds the amount of reimbursement due, as calculated pursuant to section 79-3332, shall remit the difference to the State Treasurer for credit to the Special Education Enrollment Options Fund, which fund 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 72-1276.".

4. On page 19, line 10, strike "79-3320,"; and in line 16 strike "a fund" and insert "funds".

5. Renumber the remaining sections accordingly.

ANNOUNCEMENT

Mr. Lamb announced the Transportation Committee will have an executive session Tuesday at 1:30 p.m. instead of Monday.

VISITORS

Visitors to the Chamber were 12 eighth grade students and teacher from Emmanuel Lutheran, York; Dick Kincaid, Jim Cutterback, Dean Woodman, and Lyndy Carman from Kearney; and 50 juniors, seniors, and teacher from Palmyra.

ADJOURNMENT

At 12:10 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 14, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gordon Patterson, Calvery United Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Conway, Goodrich, Hall, Hannibal, R. Johnson, Moore, Mmes. Beck, Labedz, Langford, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 107. Placed on General File.
LEGISLATIVE BILL 486. Placed on General File.
LEGISLATIVE BILL 487. Placed on General File.
LEGISLATIVE BILL 488. Placed on General File.
LEGISLATIVE BILL 741. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendments to LB 259:

AM0800

1. Strike original section 18 and insert the following new sections:

"Sec. 23. On and after July 1, 1994, the budgeted operational expenses of each high school district and Class I school district in an affiliated school system shall be certified to the county superintendent and county assessor for computation of an affiliation system tax levy. Such levy shall be computed as follows:

(1) If a Class I school district affiliates with only one high school district, the sum of the property tax requirements necessary to fund the budgeted operational expense of each school district, or portion thereof, shall be divided by the sum of the assessed valuation of each such school district, or portion thereof, except that only that portion of the budgeted operational expense of each school district, or portion thereof, which does not exceed the prior year's budgeted operational expense multiplied by a factor equal to one hundred and one percent of the average county-wide growth in budgeted operational expense shall be included in such computation. The remainder of such budgeted operational expense shall be assessed to the property of such school district, or portion thereof, which exceeds such average county-wide growth level; or

(2) If a Class I school district affiliates with more than one high school district, then such school district's budgeted operational expense shall be apportioned to respective portions of such Class I school district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of the entire Class I school district. If a Class I school district affiliates with more than one high school district then an average district-wide affiliation system tax levy shall be computed as follows:

(a) The affiliation system levy applicable to each portion of Class I school district property shall be multiplied by the taxable assessed valuation of such corresponding portion of Class I school district property; and

(b) The tax dollar yield from all such portions of Class I school district property shall be

totaled and divided by the taxable assessed valuation of the entire Class I school district to arrive at the average district-wide affiliation system levy.

Sec. 24. On and after July 1, 1994, the facilities, programs, and services of a school district in an affiliated school system shall be open to all students residing in every school district, or portion thereof, which is part of such affiliated school system. Any parent or legal guardian of a student opting to enroll such student in a facility in another school district within an affiliated school system other than the school district in which such parent or legal guardian resides shall, by January 1 of each year, to be effective for the succeeding school year, file a notice of intent to so enroll such student. The date for filing the notice may, by mutual agreement of the boards of education of the school districts involved, be extended to any date agreed upon by such boards.

Sec. 31. That section 79-1247.02, Revised Statutes Supplement, 1988, be amended to read as follows:

79-1247.02. (1) To ensure both equality of opportunity and quality of programs offered, after July 1, 1989, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. The ~~State Board of Education~~ board shall establish a core curriculum standard, which shall include vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The ~~State Board of Education~~ board shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and

agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for accreditation status which has not first fulfilled all requirements for an approved school.

(4) ~~It is the goal of the Legislature that by~~ By school year 1993-94 all public schools in the state should be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

(6) The State Board of Education shall by July 1, 1989, review the accreditation standards for public schools.

(7) The State Board of Education shall on or before January 1, 1990, adopt and promulgate needed revisions in accreditation rules and regulations and report to the Legislature on the standards developed pursuant to subsection (6) of this section.".

2. On page 3, line 1, after the period insert "(1)"; after line 12 insert:

"(2) Effective July 1, 1994, with the full implementation of sections 23 and 24 of this act, the Legislature will have attained its school organization goals for Class I school districts as described in section 79-426.27."; and in line 25 strike "not".

3. On page 4, line 1, strike "to and from school"; and in line 3 strike "22, and 24 to 27" and insert "21, and 23 to 28".

4. On page 12, line 18, strike "to 18" and insert "and 17".

5. On page 13, line 7, after "receiving" insert "school"; and in line 10 strike "years" and insert "year's".

6. On page 14, line 1, strike "not"; and strike beginning with "unless" in line 2 through

"specifies" in line 3 and insert "prorated to reflect student utilization of facilities constructed from the proceeds on such bonded indebtedness".

7. On page 17, line 6, strike "not"; strike beginning with "unless" in line 8 through "people" in line 9 and insert "prorated to reflect student utilization of facilities constructed with the proceeds of such bonded indebtedness"; in line 15 strike "19" and insert "18"; and strike beginning with "the" in line 22 through "request" in line 25 and insert "its budgeted current operational expense into an elementary portion".

8. On page 18, lines 1 and 2, strike "tax request" and insert "portion"; and strike beginning with "The" in line 16 through the period in line 25.

9. On page 19, strike beginning with "property" in line 5 through "Act" in line 12 and insert "budgeted current operational expense to determine the share of current operational expense for the high school grades for the affiliated Class I school district or districts".

10. On page 20, strike beginning with "the" in line 20 through "act" in line 22 and insert "computed by dividing the sum of such school district's taxable assessed valuation and the taxable assessed valuation of all other Class I school district property affiliated with the same high school district into the share of budgeted operational expense for such high school district determined pursuant to subdivision (3) of section 17 of this act".

11. On page 21, line 2, strike "high school district" and insert "portion of Class I school district property" and strike "section 18" and insert "subsection (1)"; in line 3 strike "act" and insert "section"; and in line 23 after "and" insert "county".

12. On page 23, strike beginning with "except" in line 1 through the comma in line 2; and in line 6 after "affiliated" insert "school".

13. On page 26, line 8, strike "not be required to".

14. On page 33, lines 15 and 25, strike "22, and 24 to 27" and insert "21, and 23 to 28".

15. On page 34, lines 15 and 16, strike "22, and 24 to 27" and insert "21, and 23 to 28".

16. On page 35, line 3, strike the second

"and"; and in line 4 after the first comma insert "and 79-1247.02".

17. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 575. Placed on General File as amended.
Standing Committee amendments to LB 575:
AM0814

1. On page 2, strike beginning with the first "or" in line 19 through line 25 and insert ", commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board.".

2. On page 3, strike beginning with "mental" in line 1 through the period in line 2.

LEGISLATIVE BILL 174. Indefinitely postponed.
LEGISLATIVE BILL 192. Indefinitely postponed.
LEGISLATIVE BILL 274. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.
LEGISLATIVE BILL 738. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 89014

DATE: March 9, 1989

SUBJECT: LB 281

REQUESTED BY: Senator Howard A. Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
David Edward Cygan,
Assistant Attorney General

We are in receipt of your letter requesting our counsel regarding any possible conflict of LB 281 with the current rules of evidence. LB 281 proposes that certificates of conviction for traffic infractions be afforded the status of "self-authenticating" for purposes of points

assessment and license revocations. We note that the current Rules of Evidence as enacted by the Nebraska Legislature state that the following are self-authenticating for evidentiary purposes.

(1) A document bearing a seal purporting to be that of the United States, or of any state, district, commonwealth, territory, or insular possession thereof, or the Panama Canal Zone or the Trust Territory of the Pacific Islands, or of a political subdivision, department, officer, or agency thereof, and a signature purporting to be an attestation or execution;

(2) A document purporting to bear the signature in his official capacity of an officer or employee of any entity included in subdivision (1) of this section, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine;

(3) A document purporting to be executed or attested in his official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (a) of the executing or attesting person, or (b) of any foreign official whose certificate of genuineness of signature and official position relates to the execution of attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the judge may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification;

(4) A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with subdivision (1), (2) or (3) of this section or comply with any Act of Congress or the Legislature or rule adopted by the Supreme Court of Nebraska which are not in conflict with laws governing such matters;

(5) Books, pamphlets, or other publications purporting to be issued by public authority;

(6) Printed materials purporting to be newspapers or periodicals;

(7) Inscriptions, signs, tags, or labels purporting to have been affixed in the course of business and indicating ownership, control or origin;

(8) Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments;

(9) Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law; or

(10) Any signature, document, or other matter declared by Act of Congress and the laws of the State of Nebraska to be presumptively or prima facie genuine or authentic. Neb.Rev.Stat. §27-903.

The reason for the requirement that evidentiary documents are authenticated is best set forth by McCormick, Evidence 2d 557-558.

The concept of self-authentication, previously recognized by statute in the case of the certain relatively limited classes of writings noted above, is given an expanded ambit of operation by . . . Rules of Evidence for United States District Courts and Magistrates. . . . Rule 902 accords prima facie authenticity not only to those types of writings such as acknowledged writings and public records which have commonly enjoyed such treatment by statute but also to various other types of writings not previously so favored. Among these new classes of self-authenticating writings are included books, pamphlets and other publications issued by public authority, newspapers and periodicals, and trade inscriptions and labels indicating ownership, control or origin. Presumptive authenticity, as envisioned by the . . . rule, does not preclude evidentiary challenge of the genuineness of the offered writing, but simply serves to obviate the necessity of preliminary authentication by the proponent to secure admission. This common sense approach is long overdue and might well be extended to apply to all writings purporting to have a connection with the party against whom offered. The suggestion rests not only upon the proposition that the overwhelming majority of such writings will be genuine, but in addition on the superior position of the adversary to demonstrate through evidence that the purported connection of a writing with him is attributable to fraud or mistake.

The nature of documents that are "self-authenticating" are documents which have evidenced their own trustworthiness for introduction to the court by their own nature, especially when the documents "genuineness" can be easily ascertained. Further, because the proposed "self-authenticating" document operates as a rebuttable presumption in a civil proceeding, there are no due process violations. The opponent to the document can still attack the evidence if he or she considers it fraudulent or mistaken.

If the authenticity of the document can be easily ascertained then it becomes a waste of the court's time to require the keeper or the originator of the document to appear and recite the litany of foundation necessary for the introduction of the document. Since no additional information could be obtained from this testimony, the principles of judicial economy would request that the litany of foundation be omitted. Therefore, in answer to your request, we note that LB 281 does not violate any current evidence provisions nor the Due Process clause of the Fourteenth Amendment.

You have further requested our counsel in regard to the difference between a record certified by the clerk of the court and a record certified by the judge of the court. In the case of a record of conviction, the former is merely a certified copy of a record of the court. The latter, however, is a certified copy of a judgment.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) David Edward Cygan
Assistant Attorney General

32-90-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 27. Read. Considered.

Standing Committee amendment, AM0740, found in the Journal on page 1080 for the Forty-Fourth Day, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LR 27 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LR 28 was adopted with 35 ayes, 0 nays, and 14 not voting.

Messrs. Hartnett, Weihing, and Mrs. Beck asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 289. Placed on General File as amended.
Standing Committee amendments to LB 289:
AM0684

1. Strike original section 8 and insert the following new section:

"Sec. 11. Refiner shall mean any person who refines, prepares, blends, distills, manufactures, or compounds petroleum in Nebraska for such person's own use in this state or for sale or delivery in this state.".

2. On page 2, line 22, after the period insert "Importer shall not include a person who imports petroleum in a tank for purposes of generating the power of a motor vehicle to which the tank is attached.".

3. On page 3, line 14 strike the semicolon and insert "and special fuels as defined in section 66-602 except combustible gases; and"; in line 15 strike "Crude oil or a" and insert "A"; and strike beginning with the semicolon in line 18 through "refuse" in line 22.

4. On page 4, line 5, after "testing" insert "only in conjunction with a release or suspected release"; in line 8 after the period insert "Remedial action shall not include tank restoration, replacement, or rehabilitation."; in line 13 after "of" insert "above ground or underground"; and in line 22 after "1988" insert ", or lease production tank used in the production of crude oils".

5. On page 6, line 7, after "Control" insert "or his or her designee" and after "Marshal" insert "or his or her designee"; after line 14 insert "(4) A refiner;"; in line 15 strike "(4)" and insert "(5)"; and in line 17 strike "(5)" and insert "(6)".

6. On page 8, line 1, strike "section 18" and insert "sections 18, 19, and 23"; in line 8 before "A" insert "(1)"; in line 9 strike "manufacturer" and insert

"refiner"; in line 11 after "state" insert ", except that the fee shall not be imposed on petroleum packaged in individual containers of one hundred ten gallons or less and intended for sale or use in this state"; strike beginning with "The" in line 13 through line 21 and insert "The pertinent provisions, specifically including penalty provisions, of sections 66-607, 66-608, 66-611 to 66-615, 66-621 to 66-626, and 66-630 shall apply to the administration and collection of the fee. There shall not be a refund allowed on any fee paid on petroleum which was taxed and then exported.

(2) After October 1, 1989, no refiner, importer, or distributor shall sell, offer for sale, use, or distribute petroleum in this state without having first obtained a license issued in the same manner and for the same fee as licenses issued pursuant to section 66-611. Such license shall be known as a petroleum release remedial action license. Failure to obtain a license prior to such sale, offer for sale, use, or distribution of petroleum shall be a Class IV misdemeanor. The commissioner may revoke the license of any refiner, importer, or distributor who fails to pay the fee imposed by subsection (1) of this section in the same manner as licenses are revoked pursuant to sections 66-614 and 66-615.

(3) The commissioner shall adopt and promulgate rules and regulations necessary to carry out this section."; and strike beginning with second comma in line 24 through line 25 and insert ". The Director of Insurance shall, on an annual basis, certify to the commissioner the appropriate level of the fund sufficient to pay all anticipated claims for reimbursement under the Petroleum Release Remedial Action Act and to maintain an adequate reserve for future claims. The director shall give due regard to the size of the existing fund, the number of potential responsible persons, changes in the costs of remedial actions, sound actuarial principles, and any other factors he or she deems appropriate to protect the solvency of the fund. At such time as the fund reaches three million dollars or more in excess of the level certified by the director, the commissioner shall temporarily cease collection of the fee. If the unexpended balance of the fund falls below one million

dollars in excess of the level certified by the director, the board shall notify the commissioner who shall again start collecting the fee. The director may contract for such professional services as he or she deems necessary to meet the requirements of this section, and such expense shall be borne by the fund.

The effective date of the certification shall be the first day of the next calendar quarter following receipt of such certification by the commissioner if the certification is received sixty days prior to the start of the next calendar quarter. If the certification is not received sixty days prior to the start of the next calendar quarter, the effective date of such certification shall be the following calendar quarter.".

7. On page 9, strike lines 1 through 12; in line 14 after "reimbursement" insert "in accordance with section 24 of this act"; in line 22 after the period insert "However, in the event that the fund is insufficient for any reason to pay the amount set forth in this section, the maximum amount that the fund shall be required to pay is the amount remaining in the fund. The State of Nebraska shall not be liable for the payment of any amount to any responsible person or to any other person under the Petroleum Release Remedial Action Act in the event that the fund is insufficient to pay the amount set forth in this section.

For purposes of this section, occurrence shall mean an accident, including continuous or repeated exposure to conditions, which results in a release from a tank."; in line 23 after "taken" insert ", is taking,"; and in line 25 after "release" insert "first".

8. On page 10, line 2, after the period insert "The board may accept applications for payment or reimbursement at any time after the effective date of this act, except that the board shall not act on such applications until such time as the fund is at the level certified by the Director of Insurance in accordance with section 22 of this act or at the level determined by the director taking into consideration the factors set forth in such section."; strike lines 5 through 7 and insert

"(1) At the time of the release, the tank was in compliance with any state and federal rules and regulations which were applicable to the tank at the

time of the release. Pending or final enforcement action taken by the state or federal government for noncompliance with such rules and regulations shall be evidence of noncompliance for the purpose of the board's determination. The absence of any pending or final enforcement action by the state or federal government for noncompliance with such rules and regulations shall be evidence of compliance for the purpose of the board's determination:"; in line 10 after "81-15,123" insert "or any other provision of state law requiring notification"; strike lines 11 through 13 and insert "(3) The responsible person reasonably cooperated with the department in responding to the release;"; after line 19 insert

"The department and the State Fire Marshal shall review each application prior to consideration by the board and provide to the board any information the department or the State Fire Marshal deems relevant to subdivisions (1) through (5) of this section.

The board may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank."; and in line 23 strike "party" and insert "person".

9. On page 12, line 2, strike "cleanup", show as stricken, and insert "remedial action"; and in line 3 strike "and recovery" and show as stricken.

LEGISLATIVE BILL 761. Placed on General File as amended.
Standing Committee amendments to LB 761:
AM0822

1. Insert the following new sections:

"Sec. 6. The member of the Central Interstate Low-Level Radioactive Waste Commission representing Nebraska shall be appointed by the Governor with the approval of a majority of the members of the Legislature, and such member shall serve at the pleasure of the Governor.

Sec. 7. That section 81-15,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-15,101. (1) Each application for a license shall be in writing and shall state such information as the department may determine to be necessary to decide

the technical and financial qualifications or any other qualifications of the applicant deemed reasonable and necessary to protect the public health and environment with an adequate margin of safety. The applicant shall also describe the funding arrangements such applicant will make to provide for custodial care. The department may at any time after the filing of the application and before the expiration of the license require further written statements and may make such inspections as the department may deem necessary in order to determine whether the license should be modified, suspended, or revoked. All applications and statements shall be signed by the applicant or licensee.

(2) No license issued under the Low-Level Radioactive Waste Disposal Act shall be assigned or in any manner disposed of unless the department, after securing full information, finds that the transfer is in accordance with the act and gives its consent in writing.

(3) If any person becomes legal or beneficial owner of more than fifty percent of any class of the issued and outstanding equity securities of an applicant or licensee at any time after the application has been made and before the expiration of the license, the department shall conduct a review which shall include, but not be limited to, the environmental compliance record and financial responsibility of such person. At the conclusion of the review, the department shall issue a report of its findings, including its conclusions regarding the adequacy of such person to fulfill the provisions of the application or license and all laws, rules, and regulations. Copies of the report shall be sent to the Governor, Legislature, and local monitoring committee.

~~(3)~~ (4) The department shall not approve any application for a license to receive radioactive waste from any person for disposal on land not owned by the state or federal government.

Sec. 10. That section 81-15,101.03, Revised Statutes Supplement, 1988, be amended to read as follows:

81-15,101.03. (1) 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.

(2) Unless an emergency exists, no waste shall be accepted from outside the Central Interstate Low-Level Radioactive Waste Compact region without prior approval by the Legislature. No agreement entered into pursuant to an emergency situation shall extend beyond six months unless a continuation of the agreement is approved by the Legislature.

Sec. 16. The developer shall provide to the appropriate local subdivision training of the first responding fire, police, and ambulance services to handle emergency events at the facility and support for affected county emergency management planning, training, and central dispatch facilities as may be required to handle emergency events at the facility.

The developer shall conduct such training programs or contract with appropriate public or private agencies for such training. The content of any such training program shall, prior to the commencement of the training program, be approved by the appropriate state agency which is responsible for such emergency training activity.

The developer shall also provide to the appropriate local political subdivision any equipment which is necessary to provide emergency response due to the location and operation of the facility.

Sec. 17. If a release of low-level radioactive waste in excess of regulatory allowances has been recorded at the boundary of a facility, there shall be a rebuttable presumption that the operator of the facility caused any property damage, bodily injury, or death that resulted from exposure to such release. The presumption may be rebutted by evidence that shows that such property damage, bodily injury, or death was not attributable to exposure to radiation levels recorded at the boundary of the facility or that the radiation exposure occurred as a result of some cause other than facility operations.".

2. On page 3, strike the new matter in line 5 and insert "sections 5, 6, and 14 to 17 of this act"; and strike beginning with the colon in line 12 through line 25 and show the old matter as stricken.

3. On page 4, strike the new matter in lines

1 through 5 and insert "within thirty days after the effective date to this act the commission shall establish a satellite office in the State of Nebraska and".

4. On page 7, lines 14 and 15, strike "an at-large member", show as stricken, and insert "the chief of a fire department which has jurisdiction of an area within fifteen miles of the proposed site".

5. On page 14, line 23, after "year" insert "together with any adjustments made by the department pursuant to this section"; and in line 25 after the period insert "On October 1, 1990, and each October 1 thereafter the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director.".

6. On page 16, strike beginning with the colon in line 1 through line 9 and insert "the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.".

7. On page 17, line 18, after "well" insert "and surface water".

8. On page 18, line 2, after the comma insert "81-15,101,"; in line 5 after the third comma insert "81-15,101.03,"; and in line 6 after the last comma insert "and also Laws 1983, LB 200, section 2,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 52. Indefinitely postponed.
LEGISLATIVE BILL 314. Indefinitely postponed.
LEGISLATIVE BILL 621. Indefinitely postponed.
LEGISLATIVE BILL 622. Indefinitely postponed.
LEGISLATIVE BILL 763. Indefinitely postponed.
LEGISLATIVE BILL 795. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 431. 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 431A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Standing Committee amendment, AM0305, found in the Journal on page 681 for the Twenty-Fifth Day, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Schmit requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Conway	Landis	Nelson	Schimek
Baack	Crosby	Lindsay	Pirsch	Warner
Barrett	Hannibal	Lynch	Robak	Weihing
Bernard-Stevens	Hefner	Moore	Rogers	Wesely
Byars	Johnson, L.	Morrissey	Schellpeper	Withem
	Kristensen			

Voting in the negative, 2:

Schmit Scofield

Present and not voting, 18:

Ashford	Coordsen	Haberman	Lamb	Peterson
Beyer	Dierks	Johnson, R.	Langford	Smith
Chambers	Elmer	Korshoj	McFarland	Wehrbein
Chizek	Goodrich	Labedz		

Excused and not voting, 3:

Beck Hall Hartnett

Advanced to E & R for Review with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 357. E & R amendments, AM5070, found in the Journal on page 912 for the Thirty-Sixth Day, were adopted.

Mr. Schellpeper and Mrs. Nelson renewed their pending amendment, AM0751, printed separately from the Journal and referred to on page 1049.

The Schellpeper-Nelson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM0859, found in the Journal on page 1105.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
FA64
On page 2, line 20 strike "Education" and insert "Health"

The Wesely amendment was adopted with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 357A. Mrs. Nelson offered the following amendment:
AM0846

1. Strike original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $470,072 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $677,825 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Department of Education, for Program 508, to aid in carrying out the provisions of Legislative Bill 357, Ninety-first Legislature, First Session, 1989.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this

section shall not exceed $16,725 for the period July 1, 1989, to June 30, 1990, or $19,636 for the period July 1, 1990, to June 30, 1991.

There is included in the appropriation to this program $446,250 from the General Fund for the period July 1, 1989, to June 30, 1990, and $650,000 from the General Fund for the period July 1, 1990, to June 30, 1991, for state aid, which shall be used only for such purpose.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Nelson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Nelson offered the following amendment:
FA65
On page 1, line 7, strike "Education" and insert Health; and on line 8, strike "508" and insert 174.

The Nelson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE RESOLUTION 8CA. Placed on General File as amended.
Standing Committee amendments to LR 8CA:
AM0858

1. On page 1, lines 3 and 12, strike "2" and insert "1, 2,".

2. On page 2, strike lines 6 through 9 and insert "civil, an aggrieved party shall be entitled to one appeal to the appellate court created pursuant to Article V, section 1, of this Constitution or to the Supreme Court as may be provided by law."; after line 9 insert the following:

CV-1 "The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, in and for each county, with one

or more judges for each county, or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."; and in line 24 strike "of"; and strike the new matter in line 25 and insert "judge of the appellate court created pursuant to article V, section 1, of this Constitution".

3. On page 3, line 4, strike "of any" and insert "the appellate court"; strike the new matter in line 5; strike the new matter in line 10 and insert "the appellate court"; in line 13 strike "of"; and strike the new matter in line 14 and insert "the appellate court".

4. On page 4, line 4, strike "of any" and insert "the"; strike the new matter in line 5; and strike the new matter in line 8 and insert "the appellate court".

5. On page 5, line 21, strike "as" and insert "to the appellate court or to the Supreme Court as may be"; in line 22 after the comma insert "to provide for an appellate court,"; in line 23 strike "any" and insert "the"; and in line 24 strike "which may be created by law".

LEGISLATIVE BILL 50. Placed on General File as amended.
Standing Committee amendments to LB 50:
AM0382

1. On page 3, line 1, strike "9" and insert "8".

2. On page 4, strike beginning with the comma in line 4 through line 9 and insert "and a Class I misdemeanor for any subsequent offense."; and strike beginning with "(1)" in line 18 through line 25.

3. On page 5, strike lines 1 through 3; in line 4 strike "(2)" and insert "(1)"; in lines 5 and 9 after "animal" insert "has been abandoned or" and after "being" insert "cruelly neglected or"; in line 8 strike

"(3)" and insert "(2)"; in line 12 strike "(4)" and insert "(3)"; and in line 21 strike "9" and insert "8".

4. On page 7, strike line 4 and insert "which are not inconsistent with the"; and in lines 5, 14, and 23 strike "9" and insert "8".

5. Strike original section 8.

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 203. Placed on General File as amended.
Standing Committee amendment to LB 203:
AM0856

1. Strike original section 2 and insert the following new section:

"Sec. 2. (1) A person commits the offense of disarming a peace officer if he or she intentionally or knowingly takes from the person of a peace officer or within his or her area of immediate control any firearm, nightstick, mace, or stun gun approved by or issued to the officer by the law enforcement agency which employs such officer.

(2) Disarming a peace officer is a Class IV felony.".

LEGISLATIVE BILL 330. Placed on General File as amended.
Standing Committee amendments to LB 330:
AM0387

1. Strike original section 8 and insert the following new sections:

"Sec. 3. That section 42-357, Reissue Revised Statutes of Nebraska, 1943, 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~~ II 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.

Sec. 9. That section 42-926, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-926. Upon the issuance of any ~~temporary restraining~~ protection order under section 42-925, the clerk of the court shall provide forthwith the applicant, without charge, with two certified copies of such order. The clerk of the court shall also provide forthwith the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of such order and one copy of each sheriff's return thereon. The clerk of the court shall also provide forthwith a copy of the protection order to the sheriff's office in the county where the adverse party may be personally served together with instructions for service. Upon receipt of the order and instructions for service, the sheriff's office shall forthwith serve the protection order upon the adverse party and file its return thereon with the clerk of the court which issued the protection order within fourteen days of the issuance of the protection order. If any protection order is dismissed or modified by the court, the clerk of the court shall provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification and of any sheriff's return thereon.".

2. On page 2, line 4, strike "9" and insert "10"; and in line 25 strike "9 and 10" and insert "10 and 11".

3. On page 3, line 12, strike "9 to 12" and insert "10 to 13".

4. On page 7, line 25, after the period insert "If the judge of the district court and the judge of the conciliation court are absent from the county, any judge of the county court may issue an ex parte order in accordance with this section.".

5. On page 8, line 22, after "42-925" insert "or a violation of an order excluding a person from certain premises issued pursuant to section 42-357" and strike "a petitioner" and insert "an applicant"; in line 23 after "42-925" insert "or an applicant for an order

excluding a person from certain premises issued pursuant to section 42-357"; and in line 24 after "order" insert "or an order excluding a person from certain premises".

6. On page 9, line 6, strike "9" and insert "10"; strike beginning with "determine" in line 9 through "shall" in line 10.

7. On page 10, line 15, strike "11" and insert "12"; in line 16 after the period insert "The clerk and his or her employees shall not provide assistance in completing the forms."; in line 17 strike the second "and" and insert an underscored comma; in line 18 after "affidavit" insert ", and order" and after "forms" insert "provided for in this section"; and in line 21 after the first comma insert "42-357,".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 455. Placed on General File as amended.
Standing Committee amendment to LB 455:
AM0647

1. Strike original section 1 and insert the following new section:

"Section 1. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. In each county of this state having a population of seventy-five thousand and not more than two hundred thousand ~~population~~ persons in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court. In each county of this state having a population of more than two hundred thousand and not more than three hundred thousand persons in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court. In ~~, and in~~ each county of this state having a population of more than ~~two~~ three hundred thousand ~~population~~ persons in which a separate juvenile court has been established, there shall be ~~two~~ three judges of the separate juvenile court. In counties having two or three judges of the separate juvenile court, upon the swearing in of the second or third judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every

three years unless the judges agree to another system.".

LEGISLATIVE BILL 571. Placed on General File as amended.
Standing Committee amendment to LB 571:
AM0795

1. Strike the original sections and insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1988, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and sections 3 to 5 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. That section 28-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-404. (1) All drugs and substances or immediate precursors listed in section 28-405 are hereby declared to be controlled substances, whether listed by official name, generic, common or usual name, chemical name, brand, or trade name.

(2) All anabolic steroids defined in section 3 of this act are hereby declared to be controlled substances and as such shall be subject to sections 28-417, 28-418, 28-427, 28-429 to 28-431, and 28-434 but shall not be subject to sections 28-401, 28-406 to 28-411, 28-416, 28-439 to 28-442, and 28-445.

Sec. 3. For purposes of sections 3 to 5 of this act:

(1) Anabolic steroid shall mean any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body except when in the form of a livestock implant:

(a) Clostebol;

(b) Dehydrochlormethyltestosterone;

(c) Ethylestrenol;

(d) Fluoxymesterone;

(e) Mesterolone;

(f) Methandienone;

(g) Methandrostenolone;

(h) Methenolone;

(i) Methyltestosterone;

(j) Nandrolone;

(k) Norethandrolone;

(l) Oxandrolone;
(m) Oxymesterone;
(n) Oxymetholone;
(o) Stanozolol;
(p) Testosterone; and
(q) Boldenone Undecylenate;

(2) Employee shall mean any person, paid or unpaid, who in any way assists an entity in carrying out the business activities of such entity. Employee shall include an independent contractor;

(3) Institution shall mean any public elementary, secondary, or postsecondary educational institution;

(4) Political subdivision shall have the definition found in section 13-903;

(5) School district shall have the definition found in section 79-101;

(6) State agency shall have the definition found in section 81-1705; and

(7) Subordinate employee shall mean a person employed by the same employer as and directly or indirectly supervised in the course of such employment by an employee.

Sec. 4. Section 5 of this act shall apply to the prescription, possession, delivery, or administration of anabolic steroids and shall be in addition to all other requirements of law concerning the manufacture, delivery, sale, prescription, possession, inventory, and recording of the inventory and sale of drugs.

Sec. 5. (1) No person shall:

(a) Prescribe, dispense, deliver, or administer an anabolic steroid or deliver a prescription form for an anabolic steroid to a person for human use for any purpose other than a valid medical purpose and in the course of professional practice;

(b) Prescribe, dispense, administer, or deliver an anabolic steroid for human use without a written prescription unless the person administering such substance is licensed pursuant to the Uniform Licensing Law and administers such substance within the scope and course of his or her professional practice, in his or her office, and for a valid medical purpose; or

(c) Possess over two hundred fifty tablets or

eight two-cubic-centimeter bottles of an anabolic steroid unless the person is licensed pursuant to the Uniform Licensing Law or has a written prescription for such substance.

(2) For purposes of this section and section 6 of this act, bodybuilding, muscle enhancement, or increasing muscle bulk or strength through use of an anabolic steroid shall not be considered a valid medical purpose.

(3) Any person eighteen years of age or older violating this section shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or subsequent offense, and any person under eighteen years of age violating this section shall be guilty of a Class III misdemeanor for the first offense and a Class I misdemeanor for any subsequent offense.

Sec. 6. (1)(a) In addition to the penalties stated in section 5 of this act, no employee of any state agency, any political subdivision, or any institution shall administer, deliver, dispense, possess, or use or knowingly allow a subordinate employee or a student attending such employee's employing institution to administer, deliver, dispense, possess, or use an anabolic steroid as defined in section 3 of this act unless such substance is needed for a valid medical purpose.

(b) Any person violating this subsection for the first time shall be dismissed from employment and shall not be an employee of the dismissing entity, any other state agency, any political subdivision, or any institution for a period of one year after his or her dismissal.

(c) Any person violating this subsection for a second or subsequent time shall be dismissed from employment and shall not thereafter be an employee of the dismissing entity, any other state agency, any political subdivision, or any institution.

(2) In addition to the penalties stated in section 5 of this act, any person under eighteen years of age who is a student at any elementary, secondary, or postsecondary educational institution in this state who dispenses, administers, delivers, or possesses anabolic steroids, as defined in section 3 of this act, in

violation of section 5 of this act may be prohibited from participating in any extracurricular activities for not more than thirty consecutive days for the first offense. For any second or subsequent offense the student may be barred from participation in such activities for any period of time the institution deems appropriate pursuant to the written policy of the institution.

Sec. 7. Any sanction imposed pursuant to subdivision (1) of section 6 of this act shall be subject to the Administrative Procedure Act.

Sec. 8. Any sanction imposed pursuant to subsection (2) of section 6 of this act shall be in accordance with a written policy of the institution. The institution shall post the written policy in a conspicuous place and shall make a copy of the policy available to any student upon request.

Sec. 9. That original section 28-404, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988, are repealed.".

LEGISLATIVE BILL 586. Placed on General File as amended.
Standing Committee amendment to LB 586:
AM0640

1. On page 3, line 24, strike "1991" and insert "1990".

LEGISLATIVE RESOLUTION 9CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 10CA. Indefinitely postponed.

LEGISLATIVE BILL 496. Indefinitely postponed.
LEGISLATIVE BILL 583. Indefinitely postponed.
LEGISLATIVE BILL 584. Indefinitely postponed.
LEGISLATIVE BILL 585. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 52. Introduced by Morrissey, 1st District.

WHEREAS, the Falls City Sacred Heart boys' basketball team won the Class D-1 State Championship; and

WHEREAS, the Falls City Sacred Heart boys' basketball team scored two hundred forty-three points during the tournament breaking the previous Class D-1 tournament record of two hundred twelve points; and

WHEREAS, the Falls City Sacred Heart boys' basketball team finished another outstanding season with twenty-six wins and no losses, extended their winning streak to thirty-one games dating back to last year, and captured their second straight Class D-1 State Championship; and

WHEREAS, the collective athletic abilities, accomplishments, and dedication of the coaches and players should be commended and are deserving of special recognition.

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

1. That the Nebraska Legislature extends its congratulations to the Falls City Sacred Heart boys' basketball team.

2. That a copy of this resolution be sent to Coach Doug Goltz and to the team in recognition of their accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 53. Introduced by Chizek, 31st District; Abboud, 12th District; Beyer, 3rd District.

WHEREAS, Millard South won the Class A boys state championship Saturday, March 11, with a score of 47-45; and

WHEREAS, the Millard South team consists of the following members: Scott Timmermier, Rick Heiserman, Kirk Bragg, Joel Wallschlaeger, Dale Ribble, Mike Korloff, Geoff Stalder, Steve Sellhorst, Scott Bream, Lonzo Rolling, Brian Nielsen, Matt Kelly, Joe Groat, and Shawn Hamell; and

WHEREAS, the team is coached by Larry Ribble and assistant coaches Chuck Wolatz, Frank Ryan, Rick Hook, and Zac Lowe; and

WHEREAS, Millard South became the fifteenth team to win back-to-back Class A titles since the tournaments began in 1911 and this was the second time the team had back-to-back titles in seven years.

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

1. That the Legislature extends its congratulations to Coach Ribble, the assistant coaches, and the Millard South boys basketball team.

2. That a copy of this resolution be mailed to the coaches and team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 54 in the Journal. No objections. So ordered.

AM0870

1. In the Standing Committee amendments, AM0653, on page 5, line 5, strike the first "a" and insert "an accurate"; in line 7 after "oil" insert ", cooking fat, or both"; in line 10 after "oil" insert "or cooking fat or of both"; and strike beginning with "A" in line 12 through line 16 and insert "Noncompliance with this subsection shall be enforced as provided in the act for other violations.".

2. Strike the Goodrich amendment, FA56, and all amendments thereto.

Mr. Abboud asked unanimous consent to print the following amendment to LB 597 in the Journal. No objections. So ordered.

AM0848

1. Insert the following new sections:

"Sec. 4. A person in attendance at a meeting of a committee for the ongoing quality of health care assurance program of a preferred provider shall not be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or members of such committee if such person acts without malice. Any person making a report or providing information to a committee for the ongoing quality of health care assurance program of a preferred provider upon request of the committee has a privilege to refuse to disclose and to prevent any other person from disclosing the report or information so provided except as provided in this section. The proceedings, minutes, records, and reports of a committee for the ongoing quality of health

care assurance program of a preferred provider, together with all communications originating in such committee, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless the privilege is waived by the patient and a court of record, after hearing and for a good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications.

A person participating in a committee for the ongoing quality of health care assurance program of a preferred provider shall be immune from tort liability for libel, slander, or defamation of character arising out of his or her activity relating to the proceedings, recommendations, evaluations, opinions, investigations, communications, findings, and other activity of the committee.

Sec. 5. The Revisor of Statutes shall assign section 4 of this act within sections 44-4101 to 44-4113, and any reference to such sections shall be construed to include section 4 of this act.".

2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 157. E & R amendments, AM5073, found in the Journal on page 916 for the Thirty-Seventh Day, were adopted.

Mr. Kristensen offered the following amendment:
AM0876

(Amendments to AM0481)

1. On page 2, line 8, after "(7)" insert "Patient's attending physician shall mean the physician having the primary responsibility for the patient as indicated on the records of the health care facility; (8)"; in line 12 strike "(8)" and insert "(9)"; and in line 22 strike "(9)" and insert "(10)".

2. On page 3, line 11, after "patient's" insert "attending".

3. On page 4, line 8, after "request" insert "the patient's attending physician to order"; in line 10 after the period insert "Upon such request, the patient's attending physician shall order the necessary diagnostic testing."; and in line 16 after "physician"

insert "and to the patient's attending physician".

4. On page 5, strike beginning with "The" in line 17 through "section" in line 18 and all amendments thereto and insert "The patient's attending physician".

5. On page 6, lines 8 and 9, strike "health care facility" and insert "patient's attending physician".

6. On page 7, line 5, after the second comma insert "the patient's attending physician,".

The Kristensen 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 265. E & R amendment, AM5072, found in the Journal on page 917 for the Thirty-Seventh Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 619. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 623. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 155. E & R amendments, AM5074, found in the Journal on page 918 for the Thirty-Seventh Day, were adopted.

Mr. Rogers offered the following amendment:
AM0677

1. On page 5, line 11, after the comma insert "tint,".

The Rogers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 744. E & R amendments, AM5077, found in the Journal on page 937 for the Thirty-Eighth Day, were adopted.

Mr. Withem renewed his pending amendment, AM0801, found in the Journal on page 1083.

The Withem amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 336. E & R amendments, AM5076, found in the Journal on page 938 for the Thirty-Eighth Day, were adopted.

Mr. Withem renewed his pending amendment, AM0815, found in the Journal on page 1083.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following amendment to the pending Withem amendment:
FA66
to strike "model" in Line 1 page 8.

The Scofield amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Withem amendment, as amended, 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 183. E & R amendments, AM5078, printed separately from the Journal and referred to on page 974 for the Thirty-Ninth Day, were adopted.

Mr. Baack renewed his pending amendment, AM0709, found in the Journal on page 1096.

SPEAKER BARRETT PRESIDING

The Baack amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Baack renewed his pending amendment, AM0861, found in the Journal on page 1099.

Messrs. Weihing and McFarland asked unanimous consent to be excused. No objections. So ordered.

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.

The Baack amendment was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Pending.

ANNOUNCEMENT

Speaker Barrett announced his priority bills and resolution are as follows: LB 37, LB 50, LB 141, LB 163, LB 164, LB 352, LB 409, LB 420, LB 422, LB 465, LB 503, LB 534, LB 542, LB 543, LB 544, LB 551, LB 601, LB 628, LB 662, LB 663, LB 730, LB 742, LB 749, LB 758, and LR 8CA.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendments to LB 182:
AM0863

1. On page 3, strike lines 11 through 15 and insert:

"It is the intent of sections 1 to 6 of this act to remove contested dispositional plans from the appellate process for the purpose of expediting review by a juvenile review panel. Nothing in such sections shall otherwise limit the right of any party to appeal other final orders of a juvenile court pursuant to sections 24-541.01, 24-541.02, 24-541.06, 43-2,106 and 43-2,126.".

2. On page 5, strike beginning with the comma in line 6 through "allowed" in line 7; and in line 22 strike "the" and insert "a decision shall be made within thirty days after receiving the bill of exceptions from the court stenographer. The".

3. On page 7, after line 20 insert the following new subdivision:

"(b) The guardian ad litem;"; and in line 21 strike "(b)", show as stricken, and insert "(c)".

4. On page 8, line 2, strike "(c)", show as stricken, and insert "(d)".

5. On page 12, line 17, strike "plan of" and insert "proposed plan for"; in line 19 after "juvenile" insert "and his or her family. The court may order that the department and the probation officer work together on the preparation of the proposed plan."; and in line 22 strike "plan presented" and insert "department's plan".

6. On page 13, line 21, after "report" insert "and notice of placement change"; in line 22 after "court" insert "and shall send copies of the notice to all interested parties.".

7. On page 14, strike lines 2 through 9 and insert "court, on its own motion or upon the filing of an objection to the change by an interested party, may order a hearing to review such a change in placement and may order that the change be stayed until the completion of the hearing. Nothing in this section shall prevent the court on an ex parte basis from approving an immediate change in placement upon good cause shown. The department or any other party may request a review by a juvenile review panel in the manner set out in section 4 of this act.".

LEGISLATIVE BILL 483. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0855.)

(Signed) Jerry Chizek, Chairperson

Revenue

LEGISLATIVE BILL 779. Indefinitely postponed.
LEGISLATIVE BILL 783. Indefinitely postponed.
LEGISLATIVE BILL 785. Indefinitely postponed.
LEGISLATIVE BILL 786. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

SELECT COMMITTEE REPORT
Rules

Your Committee on Rules whose Chairperson is Senator Dan Lynch to whom was referred Mr. Wesely's Proposed Rule Change found on Journal Page 848 instructs me to report the same back to the

Legislature with the recommendation that it be considered for adoption by the Legislature.

(Signed) Dan Lynch, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointments Wednesday, March 22, 1989 1:30 p.m.
Parole Board
Donald D. McCall
Lealand Oberg

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 733 in the Journal. No objections. So ordered.

AM0871

1. Insert the following new section:
"Sec. 4. That Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180, be amended to read as follows:
Sec. 26. Sections 23 and 24 of this act shall become operative on January 1, ~~1989~~ 1990. The remaining sections of this act shall become operative on their effective date.".
2. On page 4, in lines 12, 17, and 21 strike "is".
3. On page 10, line 10, after the comma insert "and Laws 1987, LB390, section 26, as amended by Laws 1988, LB 1100, section 180,".
4. Renumber remaining sections accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0888

(Amendments to AM5080)

1. Insert the following new section:
"Sec. 10. Any institution, agency, organization, or other entity in this state which

receives a request for the return of human skeletal remains or burial goods under the Unmarked Human Burial Sites and Skeletal Remains Protection Act shall, at least ninety days prior to the date for return established by statute or otherwise agreed upon pursuant to the act, provide the requesting relative or Indian tribe with an itemized inventory of any human skeletal remains and burial goods that are subject to return to the requesting relative or Indian tribe. At the time the entity transfers possession of such remains or goods to the requesting relative or Indian tribe the transferor and the transferee shall each sign a transfer document which identifies by inventory number and description each human skeletal remain or burial good being transferred.".

2. On page 1, line 4, strike "10" and insert "11".

3. Renumber the remaining sections accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0883

(Amendments to AM5080)

1. On page 4, line 13, strike "and"; after line 13 insert the following new subdivision:

"(6) Reasonably identified and reasonably identifiable shall mean identifiable, by a preponderance of the evidence, as to familial or tribal origin, based on any available archeological, historical, or ethnological or other direct or circumstantial evidence or expert opinion; and"; and in line 14 strike "(6)" and insert "(7)".

Mrs. Robak asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM0764

(Amendments to Standing Committee amendments, AM0492)

1. On page 1, line 8, after "meeting" insert "to the public".

MOTION - Place LB 683 on General File

Messrs. Landis, Schellpeper, Goodrich, and Barrett moved to place LB 683 on General File pursuant to Rule 3 §19.

Laid over.

MOTION - Place LB 432 on General File

Mr. Wesely moved to place LB 432 on General File notwithstanding the action of the Government Committee.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Kristensen asked unanimous consent to have his name added as co-introducer to LB 586. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 714. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Lourdes High School, Nebraska City; 15 members of the Cullum Extension Club from Plattsmouth; and 20 members of the American Association of University Women from Omaha, Lincoln, Peru, and Osceola.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 15, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 1989

Pursuant to adjournment, the Legislature met at 9:02 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. McFarland who was excused; and Messrs. Baack, Barrett, Chizek, Haberman, Hall, Kristensen, Lynch, Warner, Withem, Mmes. Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

MESSAGES FROM THE GOVERNOR

March 14, 1989

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 284, 284A, 499, 443, 214, 214A, 318, and 320 were received in my office on March 9, 1989.

These bills were signed by me on March 14, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 7, 1989

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: Eldon D. Orth, Department of Roads, Lincoln, NE 68509, (402) 479-4750.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 7, 1989

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: Linda F. Kouth, 2717 Country Club Avenue, Omaha, NE 68104, (402) 334-5500.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 7, 1989

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: Lila Churchill, HC 37, Box 21, Valentine, NE 69201, (402) 376-1979.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 7, 1989

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: George R. Williamson, 610 Wedgewood Drive, Lincoln, NE 68510, (402) 471-7450.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 10, 1989

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: James W. Bauer, P.O. Box 279, Beatrice, NE 68310, (402) 223-5211.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund from the Department of Roads for the month of February, 1989.

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).

Received report from the Board of Regents in accordance with Section 81-1283 RRS Neb. 1943.

Received report from the Department of Education of the State Employee Collective Bargaining Act as required by Section 81-1384, R.R.S. 1943, Reissue 1987.

GENERAL FILE

LEGISLATIVE RESOLUTION 2CA. Read. Considered.

Messrs. Wehrbein and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Advanced to E & R for Review with 29 ayes, 5 nays, 12 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Introduced by Bernard-Stevens, 42nd District.

WHEREAS, railroad transportation is vital to economic development to the State of Nebraska, where branchlines serve as vital links between rural and urban areas; and

WHEREAS, nearly one thousand miles of branchline trackage in the State of Nebraska qualify as insufficient revenue-producing line and may soon qualify for abandonment; and

WHEREAS, the Legislature should conduct an interim study hearing in North Platte, Hastings, and Lincoln, Nebraska to determine if legislation should be enacted to assist in keeping the state's vital revenue links operating.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 55. Introduced by Bernard-Stevens, 42nd District.

WHEREAS, the Miss Nebraska pageant, held each year in North Platte, is the official pageant for selecting Miss Nebraska who will represent Nebraska in the Miss America pageant in Atlantic City; and

WHEREAS, Miss Jody Miller of Omaha, Nebraska, is the current reigning Miss Nebraska; and

WHEREAS, the person selected as Miss Nebraska each year is a young woman of unusual beauty, poise, and talent; and

WHEREAS, Miss Jody Miller is, and each future Miss Nebraska will be, especially suited to serve as the official hostess of the State of Nebraska and in that position will be an invaluable asset to the state.

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

1. That Miss Jody Miller, the current reigning Miss Nebraska, and each future Miss Nebraska are hereby proclaimed and designated as the official hostess of the State of Nebraska during their respective reigns as Miss Nebraska.

2. That a copy of this resolution be sent to Miss Jody Miller.

Laid over.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendments to LB 81:
AM0885

1. On page 6, strike lines 21 through 25.
2. On page 7, strike lines 1 through 5.

LEGISLATIVE BILL 163. Placed on General File as amended.
Standing Committee amendments to LB 163:

AM0886

1. Strike original section 5.

2. On page 4, strike lines 3 and 4 and insert "and

(c)"; in line 5 strike "(d)"; and in line 6 strike "6" and insert "5".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 270. Placed on General File as amended.
Standing Committee amendments to LB 270:
AM0754

1. On page 8, line 5, strike the new matter and reinstate the stricken matter; and in line 15 after "section" insert ", except that for proposed projects affecting more than one hundred landowners, owners of record title shall have sixty days to file written objections".

2. On page 10, line 17, strike the new matter and reinstate the stricken matter; and in line 19 after "directors" insert ", except that for proposed projects affecting more than one hundred landowners, the appeal shall be taken within sixty days".

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendments to LB 325:
AM0887

1. Strike original sections 10 and 11.

2. On page 2, line 1, strike "12" and insert "10"; in line 8 strike "secretes" and insert "secrete"; in line 19 strike "the" and insert "any"; and in line 21 strike "and" and insert "or".

3. On page 3, strike beginning with "groceries" in line 8 through the third comma in line 9; strike beginning with "leaves" in line 10 through "packaging" in line 11 and insert "or leaves"; and in line 12 strike "or" and insert a comma and after "photodegradable" insert ", or recyclable".

4. On page 4, lines 1 and 2, strike "to 11" and insert "and 9".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 764. Placed on General File as amended.
Standing Committee amendment to LB 764:

AM0903

1. On page 3, after line 10 insert the following new subsections:

"(2) The rules and regulations shall provide that municipalities and counties may request the assistance of the natural resources district or districts in which a regional facility is to be located. Such assistance may include siting, soil and water testing, monitoring, and any other related functions agreed upon by the municipalities, counties, and district or districts.

(3) Such rules and regulations shall provide for prioritization of grants and loans to governmental subdivisions which demonstrate difficulty or the inability to generate sufficient local funding due to limited population, insufficient tax base, geology, hydrology, or other factors beyond the control of any such subdivision.".

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 228. Placed on General File.

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendments to LB 543:
AM0895

1. Insert the following new sections:

"Sec. 2. The Board of Regents of the University of Nebraska is authorized to establish an endowed scholarship program for undergraduate students from minority groups which are underrepresented at the University of Nebraska, who are residents of Nebraska and citizens of the United States. Such scholarship program shall be implemented by the board as a temporary measure to achieve the goals and purposes stated by the Legislature in section 1 of this act. Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the board shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for scholarships authorized by this act.

Sec. 3. There is hereby appropriated $800,000 from the General Fund for the biennium ending June 30,

1991, to the Board of Regents of the University of Nebraska for the purpose of establishing an endowed scholarship program as authorized by section 2 of this act. It is the intent of the Legislature that funds appropriated to the board for such scholarship program be used in coordination with private donations for scholarships and federal grant funds available to minority students at the University of Nebraska.".

2. On page 2, line 10, strike "minority" and after "students" insert "from minority groups which are underrepresented in the student population"; and strike lines 12 through 21 and insert "The purpose of such endowment fund shall be to provide total or partial undergraduate scholarships of tuition, fees, board, room, and books at the University of Nebraska to full-time undergraduate students from minority groups which are underrepresented in the student population at the University of Nebraska and who cannot afford such educational expenses due to lack of financial resources available to them.

Such scholarship program shall be implemented as a temporary measure for the purpose of eliminating the statistical disparity between the representation of full-time minority students in the undergraduate student population of the University of Nebraska and the representation of such minority groups in the student population of the primary and post-secondary schools of this state and for the purpose of developing a more racially diverse student body at the University of Nebraska.".

LEGISLATIVE BILL 427. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 580. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Judiciary

LEGISLATIVE BILL 603. Placed on General File as amended.
Standing Committee amendments to LB 603:
AM0805

1. Insert the following new sections:

"Section 1. That section 28-726, Revised

Statutes Supplement, 1988, be amended to read as follows:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, guardian, or other person responsible for the abused or neglected child's welfare who is the subject of a report; ~~and~~

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor; and

(6) The State Foster Care Review Board when the record would relate to a child in foster care placement as defined in section 43-1301.

Sec. 2. That section 42-917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-917. The delivery of all services provided for under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act shall be done in cooperation with existing public and private, state, and local programs whenever possible to avoid duplication of services. Special effort shall be taken to coordinate programs with the Department of Labor, the Nebraska Commission on the Status of Women, the State Department of Education, the Division on Alcoholism and Drug Abuse, the Department of Health, the Department of Public Institutions, the State Foster Care Review Board, other appropriate agencies, community service agencies, and private sources.

Sec. 3. That section 42-918, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-918. (1) Under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to ~~sections 42-901 to 42-927~~ such act shall be confidential, except that the department may release statistical information, while not revealing names. Violation of this section shall be a Class V misdemeanor.

(2) Any record, report, or file maintained by the department pursuant to the act which relates to a child in foster care placement as defined in section 43-1301 shall be released to the State Foster Care Review Board upon its request.

Sec. 9. That section 43-1309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1309. Upon the request of the state board or the designated local board, any records pertaining to a case assigned to such board shall be furnished to the board by the agency charged with the child or any public official or employee of a political subdivision having relevant contact with the child. Upon the request of the state board or designated local board, and if such information is not obtainable elsewhere, the court having jurisdiction of the foster child shall release such information to the state board or designated local board as the court deems necessary to determine the physical, psychological, and sociological circumstances of such foster child.

Sec. 10. That section 43-1310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1310. All records and information regarding foster children and their parents or relatives in the possession of the state board or local board shall be deemed confidential. Unauthorized disclosure of such confidential records and information or any violation of the rules and regulations of the Department of Social Services or the State Foster Care Review Board

shall be a Class III misdemeanor.".

2. On page 3, strike lines 19 through 25 and insert

"(3) Any member of the State Foster Care Review Board, any of its agents or employees, or any member of any local foster care review board participating in an investigation or making any report pursuant to the Foster Care Review Act or participating in a judicial proceeding pursuant to this section shall be immune from any civil liability that would otherwise be incurred except for maliciously false statements.".

3. On page 10, strike beginning with "who" in line 2 through "months" in line 4 and show as stricken; and in line 15 after "include" insert "whether there is a need for continued out-of-home placement, whether the current placement is appropriate, and".

4. On page 12, line 4, after "sections" insert "42-917, 42-918,"; in line 5 before "and" insert "43-1309, 43-1310,"; and in line 6 after the last comma insert "and section 28-726, Revised Statutes Supplement, 1988,".

5. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM0916

1. On page 2, line 17, strike "born on or after January 1, 1958," and insert "who is making application for the first time".

2. Strike the Standing Committee amendment, AM0496.

Mr. Lynch asked unanimous consent to print the following amendment to LB 89A in the Journal. No objections. So ordered.

AM0902

1. On page 2, strike lines 9 through 11 and insert:

"At the direction of the budget administrator of the Department of Administrative Services budget division, any funds appropriated to this program for minimum salary supplements and general salary increases for teachers at schools operated by the Department of Correctional Services, the State Department of Education, the Department of Public Institutions, the Department of Social Services, the Beatrice State Developmental Center, or the Lincoln Regional Center shall be administratively transferred to the state agency employing such teachers. The State Department of Education shall certify to the Department of Administrative Services budget division the appropriations to be transferred pursuant to this section. The expenditure limitation for permanent and temporary salaries and per diems shall be increased within the appropriate state agency program to allow for the expenditure of personal services."; in line 13 strike "$92,736" and insert "$10,900"; in line 14 strike "$86,067" and insert "$10,900"; and strike lines 19 through 23 and insert:

"No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Executive Session on Thursday, March 16, and Friday, March 17, at 8:00 a.m. in Room 1003 of the State Capitol.

BILL ON FIRST READING

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

LEGISLATIVE BILL 438A. Introduced by Wehrbein, 2nd District; Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 643. Title read. Considered.

Standing Committee amendment, AM0322, found in the Journal on page 703 for the Twenty-Sixth Day, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 183. Mr. Baack renewed his pending amendment, AM0862, found in the Journal on page 1109.

Messrs. Chizek and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

The Baack amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hefner offered the following amendment:
AM0910

1. In the Baack amendment, AM0709, on page 1, line 2, strike "1991" and insert "1992"; and in line 3 strike "1995" and insert "1996".

2. In the E and R amendments, AM5078, on page 3, line 1, strike "1990-91" and insert "1991-92"; in line 5 strike "1991-92" and insert "1992-93"; in line 13 strike "1992-93" and insert "1993-94"; and in line 21 strike "1993-94" and insert "1994-95".

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.

SPEAKER BARRETT PRESIDING

Mr. Hefner moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Coordsen	Hefner	Moore	Schellpeper
Barrett	Dierks	Johnson, R.	Nelson	Smith
Beyer	Goodrich	Korshoj	Peterson	Wehrbein
Byars	Haberman	Lamb	Robak	Weihing

Voting in the negative, 24:

Ashford	Chambers	Hannibal	Landis	Schimek
Baack	Conway	Hartnett	Langford	Scofield
Beck	Crosby	Johnson, L.	Lindsay	Warner
Bernard-Stevens	Elmer	Kristensen	Lynch	Wesely
	Hall	Labedz	Morrissey	Withem

Excused and not voting, 5:

Chizek	McFarland	Pirsch	Rogers	Schmit

The Hefner amendment lost with 20 ayes, 24 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks offered the following amendment:
AM0923

1. In the Baack amendment, AM0861:

a. On page 1, line 6, strike "resident school district" and insert "State Department of Education"; in line 7 strike beginning with "who" through "district"; in line 8 strike "remit" and insert "pay"; in lines 15 and 16 strike "State Department of Education" and insert "department"; and in line 18 after the period insert "The Legislature shall appropriate to the department such amounts as are necessary for making the payments required by this section."; and

b. On page 2, lines 1 and 2, strike "resident school district" and insert "department"; and in line 2

strike "remitted" and insert "paid".

2. In the Baack amendment, AM0709, on page 1, strike beginning with "deposited" in line 8 through "required" in line 12 and insert "paid to the option school districts pursuant to section 14 of this act".

3. In the E & R amendment, AM5078, on page 9, line 15, strike beginning with "resident" through "submit" and insert "department shall pay"; and in line 19 strike "submitted" and insert "paid".

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 7 nays, and 20 not voting.

Mr. 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 Dierks amendment lost with 12 ayes, 19 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA67
To AM5078

On Page 6, after the end of the sentence in line 10, insert the following:

Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district.

For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.

The Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Baack offered the following amendment:
FA68
On Page 11, strike the period in line 14 and insert: ; and (6) Whether it is feasible to offer transportation based on need to option students;

and (7) Whether the provisions of this bill satisfactorily deal with concerns regarding racial integration.

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 Baack amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 746. Placed on General File.
LEGISLATIVE BILL 749. Placed on General File.

LEGISLATIVE BILL 222. Placed on General File as amended.
Standing Committee amendment to LB 222:
AM0851

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-574, Reissue Revised Statutes of Nebraska, 1943, 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 (1) the limit of such ~~the amount of the~~ insurance or bond ~~(1)~~ is less than the limit for underinsured motorist coverage under the insured's policy or (2) the amount of such insurance or bond 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, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-578. ~~(1)~~ The maximum liability of the insurer under the underinsured motorist coverage shall be the amount by which the damages sustained by the insured exceeds ~~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, but in ~~; or~~

~~(b) The amount of damages sustained but not recovered.~~

~~(2) In~~ no event shall the maximum liability of the insurer under such coverage be more than the limits of the underinsured motorist coverage provided.

Sec. 3. That original sections 60-574 and 60-578, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 105. Indefinitely postponed.

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 56. Introduced by Haberman, 44th District.

WHEREAS, the Perkins County High School basketball team completed the 1988-1989 season with a 22-1 record; and

WHEREAS, on March 11, 1989, the Plainsmen won the Class C-2 Boys Basketball Championship; and

WHEREAS, the Coach Larry Pritchett, Assistant Coaches John Stritt and Marlin Terwilliger, and the Plainsmen 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature extends its congratulations to the Perkins County 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.

UNANIMOUS CONSENT - Print in Journal

Mrs. Beck asked unanimous consent to print the following amendment to LB 250 in the Journal. No objections. So ordered.

AM0900

1. In the Standing Committee amendments, AM0202, on page 1, line 9, strike "a pluralistic" and insert "racial and ethnic groups in our"; in line 11 strike "groups in a pluralistic" and insert "various racial and ethnic groups of"; and in line 13 before the period insert "as it relates to racial and ethnic groups in our society".

2. On page 2, strike beginning with "dehumanizing" in line 19 through "discrimination" in line 20 and insert "racial and ethnic biases"; and in line 24 after "relations" insert "as it pertains to racial and ethnic bias".

3. On page 3, line 2, strike "dehumanizing" and insert "racial and ethnic"; and in line 5 after "rights" insert "as they pertain to racial and ethnic issues".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0904

(Amendments to AM5080)

1. Insert the following new sections:

"Sec. 10. (1) Except as provided in subsection (2) of this section, any institution, agency, organization, or other entity in this state which receives funding or official recognition from the state or any of its political subdivisions and which has any burial goods in its possession or control on the effective date of this act, shall have adequate time to record and photograph such goods and then return them to the relatives or Indian tribes for reburial, upon request of such relatives or Indian tribes, or otherwise cause such goods to be reinterred pursuant to

subsections (2) and (3) of section 8 of this act within three years of receiving such request.

(2) Burial goods may be preserved by the institutions, agencies, organizations, or entities mentioned in subsection (1) of this section when such burial goods: (a) Have a direct association with personalities, events, or places significant in Nebraska or American history; (b) are unique, irreplaceable, or of transcendental intrinsic value as historical artifacts; or (c) have unique or irreplaceable educational value for the understanding and interpretation of Nebraska or American history.

Sec. 11. An arbitration committee to resolve disputes arising from the Unmarked Human Burial Sites and Skeletal Remains Protection Act is hereby created. The committee shall consist of the State Historic Preservation Officer, the executive director of the Commission on Indian Affairs, and a third member to be appointed by the Governor for a term of four years, such member to be appointed from a list of not less than three candidates submitted and mutually agree upon by the permanent committee members. The appointed member shall be a trained historian, not associated with any museum or historical society. Decisions of the arbitration committee may be appealed to district court.".

2. On page 1, line 4, strike "10" and insert "12"; and in line 21 strike "equal and".

3. On page 3, line 10, after "construction" insert "or other public".

4. On page 6, line 8, after "known" insert "or they refuse to pay".

5. On page 7, line 3, strike "one-year" and insert "three-year"; in line 19 strike "or burial goods"; and strike beginning with "return" in line 22 through "goods" in line 23 and insert "have adequate time to record and photograph such remains and then return them".

6. On page 8, in lines 1, 7, and 9 strike "and goods"; in line 3 strike "one year" and insert "three years"; and in line 9 strike "September 10, 1989" and insert "January 1, 1992".

7. On page 9, strike beginning with the second "or" in line 3 through "violation" in line 4.

8. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0912

(Amendments to AM5080)

1. Insert the following new section:

"Sec. 11. For purposes of any disputes regarding human skeletal remains or burial goods under the Unmarked Human Burial Sites and Skeletal Remains Protection Act after the effective date of this act, a three-member committee shall review information and make a determination as to what action should be taken regarding the remains or goods. The committee shall consist of (1) a representative of the institution, agency, organization, or other entity which has in its possession or control any human skeletal remains or burial goods, (2) a representative of the individual or Indian tribe requesting the return of the remains or goods, and (3) a representative that is selected by and acceptable to the other two representatives on the committee.".

2. On page 1, line 4, strike "10" and insert "11".

3. On page 7, line 3, strike "one-year" and insert "three-year".

4. On page 8, line 3, strike "one year" and insert "three years"; and strike beginning with the comma in line 3 through "1989" in line 9 and insert ". For purposes of this section, any institution, agency, organization, or other entity shall notify the appropriate relative or Indian tribe when scientific study of the remains and goods is complete and the remains and goods are available for reburial".

5. Renumber remaining sections accordingly.

Mr. Korshoj asked unanimous consent to print the following amendment to LB 54 in the Journal. No objections. So ordered.

AM0908

1. Insert the following new section:

"Sec. 3. That section 81-216.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

81-216.22. It shall be unlawful for a food service establishment to operate in a manner not in conformity with the provisions of the Food Service Code. It shall be the responsibility of the department to regulate the operation of food service establishments in the manner set out in the Food Service Code, except that the department may not issue an order of closure of a food service establishment holding a nontemporary food service permit unless the food service establishment is given ten days' written notice prior to closure.".

2. Renumber the remaining sections accordingly.

3. In the Standing Committee amendments, AM0653, on page 6, line 3, strike "and 81-216.21" and insert ", 81-216.21, and 81-216.22".

MOTION - Adjournment

Mr. Dierks moved to adjourn until March 16, at 9:00 a.m. The motion lost with 12 ayes, 22 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 183. Considered.

Mr. Withem 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. Bernard-Stevens moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Bernard-Stevens	Elmer	Labedz	Scofield
Ashford	Chambers	Hall	Landis	Weihing
Baack	Chizek	Hannibal	Langford	Wesely
Barrett	Conway	Hartnett	Lindsay	Withem
Beck	Crosby	Johnson, L.	Lynch	
		Kristensen	Schimek	

Voting in the negative, 17:

Beyer	Goodrich	Moore	Peterson	Smith
Byars	Hefner	Morrissey	Robak	Warner
Coordsen	Johnson, R.	Nelson	Schellpeper	Wehrbein
Dierks	Lamb			

Excused and not voting, 6:

Haberman	McFarland	Pirsch	Rogers	Schmit
Korshoj				

Advanced to E & R for Engrossment with 26 ayes, 17 nays, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner and Mrs. Smith asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM0894

1. Insert the following new sections:

"Sec. 12. That section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.09. Any contract of employment entered into after July 1, 1980, between the teaching staff and a technical community college area, which applies to the first two years of the employment of such teaching staff, shall provide that the first two years of the employment of ~~such~~ a teacher are a probationary period.

Any contract of employment entered into on or after ~~July 1, 1984~~ the effective date of this act, between the teaching staff and the Department of Public Institutions, the Department of Correctional Services, or the Department of Social Services, which applies to the first ~~two~~ five years of the employment of such teaching staff, shall provide that the first ~~two~~ five years of the employment of ~~such~~ a teacher are a probationary period.

Any such contract may be terminated during the

probationary period without cause.

Sec. 13. That section 79-12,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-12,107. ~~As used in~~ For purposes of sections 79-12,107 to 79-12,121, unless the context otherwise requires:

(1) Certificated employee shall mean and include all teachers and administrators as defined in section 79-101, other than substitute teachers, who are employed four-fifths time or more by any class of school district;

(2) School board shall mean the governing board or body of any class of school district;

(3) On and after the effective date of this act, probationary ~~Probationary~~ certificated employee shall mean a teacher or administrator who has served under a contract with the school district for less than ~~three~~ five successive school years in any school district~~, unless extended one or two years by a majority vote of the board in a Class IV or V school district, except that after September 1, 1983, in Class IV and V school districts the requirement shall be three successive school years,~~ and shall also mean superintendents~~,~~ regardless of length of service;

(4) Just cause shall mean: (a) Incompetency, which shall include, but not be limited to, demonstrated deficiencies or shortcomings in knowledge of subject matter or teaching or administrative skills; (b) neglect of duty; (c) unprofessional conduct; (d) insubordination; (e) immorality; (f) physical or mental incapacity; (g) failure to give evidence of professional growth as required in section 79-12,113; or (h) other conduct which interferes substantially with the continued performance of duties;

(5) Permanent certificated employee shall mean a teacher or administrator who has served the probation period as defined in this section; and

(6) School year, for purposes of employment, shall mean three-fourths of the school year or more on duty, exclusive of summer school.

A certificated employee who has been hired to fulfill the duties of another certificated employee who is on leave of absence shall not accrue rights under

sections 79-12,107 to 79-12,121 during the period that the employee is fulfilling such duties.

Sec. 14. That section 79-2216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2216. For purposes of ~~As used in~~ sections 79-2216 to 79-2221, unless the context otherwise requires:

(1) Board shall mean the governing board of any educational service unit;

(2) Certificated employee shall mean any teacher, nurse, or other person required to have a certificate from the State Department of Education who is employed by an educational service unit;

(3) Just cause shall mean incompetency, neglect of duty, unprofessional conduct, insubordination, immorality, physical or mental incapacity, or other conduct which interferes substantially with the continued performance of duties or a change in circumstances such as financial exigency or a diminution of demand for services by the school districts served by the educational service unit necessitating a reduction in the number of teachers or nurses to be employed by the board;

(4) On and after the effective date of this act, permanent ~~Permanent~~ certificated employee shall mean a certificated employee (a) who has served under a contract with the educational service unit for at least ~~three~~ five successive years under any contract which was entered into to create initial employment on or after ~~September 1, 1986,~~ such date or (b) who was initially employed by the educational service unit prior to ~~September 1, 1986~~ such date; and

(5) On and after the effective date of this act, probationary ~~Probationary~~ certificated employee shall mean a certificated employee who has served under a contract with the educational service unit for less than ~~three~~ five successive years under any contract which was entered into to create initial employment on or after ~~September 1, 1986~~ such date.

Sec. 15. That original sections 79-1254.09, 79-12,107, and 79-2216, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 1, strike "This" and

insert "Sections 1 to 11 of this".

3. Insert underscoring in the original sections.

VISITORS

Visitors to the Chamber were 30 members of W.I.F.E. from across the state; 33 fourth grade students and teacher from Grant Elementary, Fremont; 18 seniors and teacher from Coleridge High School; Kiwanis members from Omaha; Ken Fife and Jan Krien from Hastings; 44 eighth grade students and teachers from St. Thomas More School, Omaha; and members of the Pawnee Tribe of Oklahoma.

ADJOURNMENT

At 12:18 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 16, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Stephen S. Bilynskyj, First Evangelical Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. McFarland, Rogers, and Mrs. Pirsch who were excused; and Messrs. Abboud, Baack, Chambers, Haberman, R. Johnson, Kristensen, Landis, Lindsay, Moore, Peterson, Schmit, and Mrs. Beck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1154, line 7, strike "Laid over." and insert "Referred to the Executive Board."
The Journal for the Forty-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 285. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5092.)

LEGISLATIVE BILL 733. Placed on Select File as amended.
E & R amendments to LB 733:
AM5090

1. On page 4, line 23, after "years" insert "of".

2. On page 5, line 3, after "to" insert "this" and strike "(b)"; in line 4 strike "of this subsection"; in lines 18, 19, and 20 strike the new matter and reinstate the stricken matter; and in line 20 strike the first comma, show as stricken, and insert "or".

3. On page 7, lines 7 and 8, strike the first "and" and show as stricken.

(Signed) John C. Lindsay, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 27 and LR 28.

GENERAL FILE

LEGISLATIVE BILL 89. Title read. Considered.

Standing Committee amendments, AM0629, found in the Journal on page 921 for the Thirty-Seventh Day, were adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Lynch offered the following amendment:
AM0942

1. Insert the following new section:

"Sec. 12. Any amount or amounts received or to be received by or for any teacher or teachers under any provision of the Help Education Lead to Prosperity Act shall not become a part of any contract rights protected under sections 79-12,107 to 79-12,121.".

Messrs. Conway and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Lynch amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Hefner and Mrs. Smith renewed their pending amendment, AM0894, found in the Journal on page 1171.

Mr. Withem requested a ruling of the Chair on whether the Hefner-Smith amendment is germane to the bill.

The Chair ruled the Hefner-Smith 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), to permit consideration of the Hefner-Smith amendment.

Mr. Kristensen asked unanimous consent to be excused until he returns. 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.

The Hefner motion to suspend the rules lost with 13 ayes, 15 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Elmer offered the following amendment:
FA69
to amend the bill as follows on page 3, line 21 after "benefits" add the following language:
". No deduction may be made by a school district from a teacher's wages for any professional or labor organization."
and on page 10 line 15 after "Act." add the following new section:
"Sec. 14. That sections 79-12,101 to 79-12,103, Reissue Revised Statutes of Nebraska, 1943 are repealed."

Mr. Ashford requested a ruling of the Chair on whether the Elmer amendment is germane to the bill.

The Chair ruled the Elmer amendment is not germane to the bill.

Mr. Moore offered the following amendment:

FA70
Page 7, line 25, strike "separately from" and insert "together with"
Strike section 10 from the bill

Mr. Ashford requested a division of the question on the Moore amendment.

The Chair sustained the division of the question.

The first Moore amendment is as follows:
FA71
Page 7, line 25, strike "separately from" and insert "together with"

Mr. Landis 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.

Mr. Moore moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Coordsen	Hefner	Langford	Schellpeper
Barrett	Dierks	Johnson, L.	Moore	Schmit
Beck	Elmer	Korshoj	Nelson	Smith
Beyer	Haberman	Labedz	Peterson	Wehrbein
Byars	Hannibal	Lamb	Robak	Weihing

Voting in the negative, 18:

Ashford	Chizek	Hall	Lindsay	Scofield
Baack	Conway	Hartnett	Lynch	Wesely
Bernard-Stevens	Crosby	Johnson, R.	Morrissey	Withem
	Goodrich	Kristensen	Schimek	

Present and not voting, 2:

Chambers Warner

Excused and not voting, 4:

Landis McFarland Pirsch Rogers

The first Moore amendment was adopted with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 340A. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 340, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 57. Introduced by Wehrbein, 2nd District.

WHEREAS, farming has become steadily more complex, requiring the farmer to be an agriculturalist, a conservationist, and a business expert; and

WHEREAS, Marlan and Mary Johnson of Eagle, Nebraska, received the Nebraska Outstanding Young Farmer Award and were recognized as one of the four National Outstanding Young Farmers for 1989; and

WHEREAS, Marlan and Mary Johnson have been very active in Future Farmers of America and their community; and

WHEREAS, the last four years there have been three Nebraskans recognized as one of four National Outstanding Young Farmers; and

WHEREAS, the Outstanding Young Farmer Program has been conducted in the United States for the past thirty-three 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Nebraska Jaycees and Marlan and Mary Johnson for receiving national recognition in the Outstanding Young Farmer Program.

2. That the Clerk of the Legislature send a copy of the resolution to Marlan and Mary Johnson of Eagle, Nebraska, and Richard Hovorka of Omaha, Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

AM0950

(Amendments to Standing Committee amendments, AM0851)

1. On page 1, strike lines 1 through 17 and insert "1. Strike original section 2 and insert the following new section:"; and in line 18 before "Sec." insert quotation marks.

2. On page 2, strike beginning with line 14 through the first period in line 16.

Mr. Landis asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

AM0931

1. Insert the following new section:

"Sec. 14. In making any percentage adjustment to the valuation of property pursuant to section 77-506, the State Board of Equalization and Assessment may make its adjustment so that the valuation of the property compares to the aggregate level of value of all taxable property in the state.".

2. On page 21, after line 16 insert:

"For purposes of equalization of the valuation of any protested real or personal property, the county board of equalization shall make its adjustment so that the valuation of the protested property compares to the

aggregate level of value of all taxable property in the county.".

3. Renumber the remaining sections accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM0936

(Amendments to Standing Committee amendments, AM0568)

1. Insert the following new sections:

"Sec. 6. That section 77-3203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3203. (1) In each county described in section 77-3201, there is hereby created the Land Reutilization Commission, which shall be composed of ~~five~~ three members, one of whom shall be appointed by the governing body of the most populous city within the county, one of whom shall be appointed by the board of county commissioners, and one of whom shall be appointed by the board of education of the school district serving the most populous city of the county. ~~, and the county treasurer and county assessor shall be ex officio members.~~ The ~~appointed~~ members shall serve at the pleasure of ~~their~~ the respective appointing authority and shall serve without compensation. The members ~~so appointed~~ may be employees of the appointing authority. ~~and shall serve without additional compensation.~~

(2) Any vacancy in the ~~appointive~~ office of commissioner shall be filled by the same appointing authority which made the original appointment.

Sec. 10. That original section 77-3203, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 7, line 6, strike "6, and 7" and insert "7 and 8"; and in line 9 after the period insert "Sections 6 and 10 of this act shall be operative on their effective date.".

3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor's appointments.

Health and Human Services
Kathy Campbell - Child Abuse Prevention Fund Board

Transportation
Board of Public Roads Classification and Standards
James W. Bauer
Lila Churchill
Linda K. Kouth
Eldon D. Orth
George R. Williamson

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 41. Placed on General File as amended.
Standing Committee amendment to LB 41:
AM0775

1. Strike original section 1 and insert the following new section:

"Section 1. (1) On January 1, 1990, there shall be a permanent one-time adjustment in each retired member's retirement allowance by a ratio as provided in this section. No retired judge shall receive less than the retirement allowance to which he or she would be entitled if no adjustment of the retirement allowance applied. The allowance of a surviving spouse of a retired judge shall, if being paid to the surviving spouse on January 1, 1990, be adjusted by the same ratio as provided in this section as if the retired judge were still living.

(2) The base Consumer Price Index for each retired member shall be the Consumer Price Index for the calendar year ending December 31 of the calendar year in which he or she retired. The adjusted 1989 Consumer Price Index to be used for the adjustment ratio shall be the Consumer Price Index for the calendar year ending December 31, 1989, adjusted so that the change in the index for any year is limited to four percent. The

ratio by which the retirement allowance will be adjusted shall be obtained by dividing the adjusted 1989 Consumer Price Index by the base Consumer Price Index, except that the ratio shall not exceed two. For purposes of this section, Consumer Price Index shall mean the Consumer Price Index, all items, United States city average, as published by the United States Department of Labor, Bureau of Labor Statistics.".

LEGISLATIVE BILL 287. Placed on General File as amended.
Standing Committee amendments to LB 287:
AM0732

1. Strike original sections 3, 9, 11, and 12 and insert the following new sections:

"Sec. 9. (1) Any member, disregarding the length of service, may be retired as a result of disability either upon his or her own application or upon the application of his or her employer or any person acting in his or her behalf. Before any member may be so retired, a medical examination shall be made at the expense of the retirement system, which examination shall be conducted by a disinterested physician licensed to practice medicine in this state, such physician to be selected by the retirement committee, and the physician shall certify to the committee whether the member is physically or mentally incapable of further performing his or her duties as a police officer and should be retired. The application for disability retirement shall be made within one year of termination of employment.

(2) The retirement committee may require any disability beneficiary who has not attained the age of sixty to undergo a medical examination at the expense of the committee once each year. Should any disability beneficiary refuse to undergo such an examination, his or her disability retirement benefit may be discontinued by the committee.

Sec. 17. All annuities or benefits which any person shall be entitled to receive under this act shall not be subject to garnishment, attachment, levy, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever and shall not be assignable, except to the extent that such annuities or benefits are subject to a qualified domestic relations order as such

term is defined in section 414(p) of the Internal Revenue Code.".

2. On page 2, line 11, strike "January" and insert "August 1, 1991"; in line 12 strike "1, 1990"; strike beginning with "Regular" in line 15 through "(4)" in line 20; in line 21 strike "14" and insert "11"; in line 23 strike "(5)" and insert "(4)"; and in line 25 strike "(6)" and insert "(5)".

3. On page 3, line 3, strike "(7)" and insert "(6)"; in line 9 strike "5" and insert "4"; in line 10 strike "(8)" and insert "(7)"; and in lines 18 and 22 strike "January 1, 1990" and insert "August 1, 1991".

4. On page 4, line 3, strike "16" and insert "13"; in lines 4 and 5 strike "participating in" and insert "who is a member of"; strike beginning with "equal" in line 6 through "thereafter" in line 10 and insert "as established by appropriate ordinance or resolution by the city"; in line 10 after "payment" insert ", if any,"; in line 16 strike "participating in a" and insert "who are members in the"; strike beginning with "required" in line 17 through "section" in line 18 and insert "established by ordinance or resolution"; in line 18 strike "January 1," and insert "August 1, 1991"; and in line 19 strike "1990".

5. On page 5, strike beginning with "the" in line 13 through "and" in line 16 and insert "three percent of the police officer's salary in 1991, four percent of the police officer's salary in 1992, five percent of the police officer's salary in 1993, and six percent of the police officer's salary in 1994 and each year thereafter. Such payment".

6. On page 6, line 7, strike "twenty-five" and insert "fifty"; and in line 20 strike "11" and insert "9".

7. On page 8, strike beginning with the second "in" in line 11 through "duty" in line 13; and strike beginning with "For" in line 21 through line 25.

8. On page 9, strike lines 1 through 11.

9. On page 11, in lines 2, 12, and 15 strike "January 1, 1990" and insert "August 1, 1991"; and in line 19 after the semicolon insert "and".

10. On page 12, strike beginning with the semicolon in line 2 through "sixty" in line 4.

11. On page 14, line 5, strike "Veterans' "

and insert "Veterans".

12. On page 15, line 21, strike "13" and insert "10".

13. On page 16, line 6, strike "January 1, 1990" and insert "August 1, 1991".

14. Renumber remaining sections accordingly.

(Signed) Rex Haberman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 758. Placed on General File as amended.
Standing Committee amendment to LB 758:
AM0928

1. On page 2, line 8, strike "Bonds" and insert "United States Government bonds"; and in line 9 strike beginning with the first "of" through "Government".

LEGISLATIVE BILL 776. Placed on General File as amended.
Standing Committee amendment to LB 776:
AM0927

1. On page 4, strike beginning with "The" in line 1 through "subsidiary" in line 3 and insert "The issuance or extension in this state of service contracts covering gas or electric appliances and heating or cooling systems by a regulated natural gas or electric utility".

LEGISLATIVE BILL 480. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 803. Indefinitely postponed.

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 72. Placed on General File as amended.
Standing Committee amendments to LB 72:
AM0442

1. Insert the following new section:

"Sec. 2. That section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-411.01. (1) Except as provided in subsections (2) and (3) of this section, no original operator's license and after November 1, 1967, no renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-408. The director shall have the authority to cause acceptance of currently valid Nebraska School Bus Driver Permits in lieu of reexamination for renewal of the operators' licenses of the holders of such permits.

(2) Any person who renews his or her Class A or Class B motor vehicle operator's license, as defined by the Department of Motor Vehicles, shall appear before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-408, except that such person shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle, as provided in subdivision (2) of section 60-408, only at the discretion of the examiner.

(3) Any person who renews his or her Class A or Class B motor vehicle operator's license, as defined by the Department of Motor Vehicles, prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-408 if he or she presents to the examiner an abstract of his or her driving record which shows that such person has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles using the procedure prescribed in section 60-412. For purposes of this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's motor vehicle operator's license.".

2. On page 2, lines 18 and 19 strike "has successfully completed", show as stricken, and insert "(1) presents proof of successful completion of"; and in line 21 after "Act" insert "within the immediately preceding forty-eight months or (2) pursuant to section 60-411.01, presents an abstract of his or her driving record which shows that the applicant has had no traffic

violations as described in section 39-669.26 from the date the applicant's license was last issued to the date the abstract was issued".

3. On page 4, line 9, after "60-403.01" insert ", 60-411.01,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendments to LB 373:
AM0934

1. On page 2, line 23, strike "limits" and insert "limit"; and strike beginning with "for" in line 24 through "category" in line 25.

2. On page 3, strike beginning with "The" in line 2 through the period in line 9; and strike beginning with "equal" in line 10 through "and" in line 11.

LEGISLATIVE BILL 501. Placed on General File as amended.
Standing Committee amendments to LB 501:
AM0130

1. On page 2, line 13, strike "affixing" and insert "having affixed" and after "vehicle" insert ", pursuant to section 60-105,".

2. On page 3, line 9, strike "affixing" and insert "having affixed" and after "vehicle" insert ", pursuant to section 60-105,".

LEGISLATIVE BILL 152. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 649. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

General Affairs

LEGISLATIVE BILL 767. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0811.)

(Signed) Jacklyn Smith, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 49. Placed on Select File as amended.
E & R amendments to LB 49:
AM5094

1. In the Elmer amendment, FA61, on page 1, line 3, strike "the these"; and in line 4 strike "services" and insert "service".

2. In the Standing Committee amendment, AM0652:

a. On page 1, strike beginning with the first comma in line 3 through "2-952" in line 4; and in line 4 strike the last comma;

b. On page 2, line 4, strike the comma; and in line 19 strike "such";

c. On page 4, line 10, strike the comma and show as stricken;

d. On page 7, line 19; and page 8, line 4, strike "such", show as stricken, and insert "the".

e. On page 9, line 4, strike "acts" and insert "laws"; and in line 24 strike "(xi)";

f. On page 10, line 1, after "and" insert "(xi)"; in line 3 strike "Noxious Weed Control Act" and insert "act"; in line 15 strike "otherwise"; in line 20 strike the comma; and in line 21 strike the first comma and show as stricken.

g. On page 12, line 6, strike "He or she", show as stricken, and insert "The weed control superintendent";

h. On page 21, line 10, strike the underscored comma;

i. On page 23, line 9, strike "fund" and insert "Noxious Weed Cash Fund"; and in line 24 strike "or", show as stricken, and insert an underscored comma;

j. On page 24, line 1, after "her" insert ", or its respective"; and in line 16 insert an underscored comma after "Act";

k. On page 25, line 2, strike the comma;

l. On page 26, line 6, after the comma insert "and"; and

m. On page 28, line 5, strike "(a)" and insert "(i)"; and in line 6 strike "(b)" and insert "(ii)".

3. On page 1, line 6, after the semicolon insert "to name an act; to state intent;"; in line 8

strike "a term" and insert "terms"; in line 9 after "of" insert "cities, villages, and"; in line 12 strike "a technical" and insert "an"; and in line 13 strike "a fee" and insert "and provide for distribution of fees".

4. On page 2, line 1, after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 431. Placed on Select File as amended.
E & R amendments to LB 431:
AM5093

1. Renumber sections 1 and 2 as sections 2 and 1 respectively.

2. On page 2, line 18, strike "the" and insert "section 4 of this".

3. On page 3, line 25, after "and" insert "in".

4. On page 4, line 17, strike "items" and add "which products and services"; and in line 19 strike "goods" and insert "products".

5. On page 6, line 11, strike the period and insert "; and".

LEGISLATIVE BILL 431A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 157, 265, 357, 357A, and 619.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 157

The following changes, required to be reported for publication in the Journal, have been made:
ER6135

1. In AM0481, on page 7, line 7, "and sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections" has been inserted after "sections"; and the matter beginning with the first "and" in line 10 through "sections" in line 12 has been struck.

Enrollment and Review Changes to LB 357

The following changes, required to be reported for publication in the Journal, have been made:
ER6133
1. In the Schellpeper-Nelson amendment, AM0751:
a. On page 1, line 17, "(a)" has been inserted after "are"; and in line 18 "(a)" has been struck;
b. On page 2, line 19, "State" has been struck;
c. On page 5, line 22, "1994-1995" has been struck and "1993-1994" inserted;
d. On page 6, line 24, "per student" has been struck; and
e. On page 10, line 1, "the" has been struck and "this" inserted.
2. On page 1, the matter beginning with the second "to" in line 1 through line 8 and all amendments thereto have been struck and "to adopt the Nursing Student Tuition Assistance and Rural Practice Incentive Act." inserted.

Enrollment and Review Change to LB 357A

The following changes, required to be reported for publication in the Journal, have been made:
ER6132
1. In AM0846, on page 1, line 7, "State" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

AM0925

1. In the Standing Committee amendments, AM0670, on page 10, strike beginning with "Department" in line 4 through "Fund" in line 5 and insert "General Fund".

2. On page 135, after line 16, insert the following new subsection:

"(6) Notwithstanding subsections (2) through (5) of this section, the director may authorize any county treasurer to issue permanent commercial drivers' licenses to successful applicants when, in the determination of the director, the examiner conducting commercial driver's license examinations in such county

possesses the ability to complete the information inquiries prescribed by section 105 of this act and determine the eligibility of the applicant to receive a commercial driver's license prior to the issuance of any permanent license. The director may utilize such funds as are appropriated by the Legislature to the department to provide examiners with the computer capability to complete the information inquiries prescribed by section 105 of this act. It is the intent of the Legislature that the director shall, within the limits of available funding, provide for the issuance of permanent commercial drivers' licenses by each county treasurer of this state no later than August 1, 1990.".

3. On page 137, line 20, strike "director" and insert "Department of Motor Vehicles".

Mr. Withem asked unanimous consent to print the following amendment to LB 637 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0878.)

Mr. Withem asked unanimous consent to print the following amendment to LB 637 in the Journal. No objections. So ordered.

AM0877

1. On page 5, line 17, before "All" insert "A circulator may be paid for circulating petitions, except that no person shall be paid to circulate initiative or referendum petitions based upon the number of signatures obtained or contingent in any manner upon the outcome of the petition effort.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0932

(Amendments to Final Reading Copy)

1. Strike original sections 1, 2, 5, and 6.

2. On page 1, line 1, strike "and villages" and insert "of the first class"; and strike beginning with "14-117" in line 2 through the second comma in line 3 and insert "16-117 and 16-120,".

3. On page 9, line 10, after "a" insert "reasonable person with a"; and in line 19 strike

"sketch" and insert "map drawn to scale".

4. On page 10, line 9, strike "sketch" and insert "map drawn to scale".

5. On page 14, strike beginning with "14-117" in line 19 through line 20 and insert "16-117 and 16-120,".

6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 89. The second Moore amendment is as follows:
FA72
Strike section 10 from the bill

The second Moore amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Beck and Mr. Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:
FA73
1) amend Sec. 77-2701.02 to strike "four" and insert "five"; and
2) add the following new section:
"There shall be deposited annually an amount equal to the proceeds of one per cent of the sales tax in the Educational Excellence Fund, to be equally divided between the Salary Increase Account and the Property Tax Relief Account."

SPEAKER BARRETT PRESIDING

Mr. Withem offered the following amendment to the pending Schmit amendment:
FA74
to reinstate Section 8 of the bill

Mrs. Robak 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 26 ayes, 0 nays, and 23 not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

The Withem amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
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.

J. L. Spray - Coordinating Commission on Postsecondary Education

Voting aye: Senators McFarland, Baack, Crosby, Nelson, Withem. Voting nay: None. Present and Not Voting: Senators Chizek, Bernard-Stevens. Absent: None.

(Signed) Ron Withem, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 212. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0691.)

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendment to LB 266:
AM0913

1. On page 2, line 11, after "state" insert "which regularly displays either the United States flag or the flag of the State of Nebraska"; and after line 16 insert the following new subsection:

"(3) This section shall not apply when any alteration to existing structures would be necessary in order to accommodate a POW/MIA flag.".

LEGISLATIVE BILL 276. Placed on General File as amended.
Standing Committee amendments to LB 276:
AM0587

1. On page 2, line 5, after "information" insert "required by section 23-1510" and after "space" insert "or the information required by such section"; in line 10 strike "On all printed" and insert "Printed"; in line 11 strike "there shall be" and insert "shall have"; and in line 13 after the period insert "Any printed form accepted for recordation that does not comply with this section shall not affect the validity of or the notice otherwise given by the recording.".

2. On page 3, line 2, after "number" insert "or microfilm or computer reference"; and in lines 10 through 12 strike the new matter and insert "lot and each single block without lots in platted areas and fifty cents for each section in unplatted areas".

3. Insert the following new section:

"Sec. 3. This act shall become operative on January 1, 1990.".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 503. Placed on General File as amended.
Standing Committee amendments to LB 503:
AM0914

1. On page 2, line 7, before "salary" insert "annual" and strike "forty-four" and insert "forty-two".

2. On page 3, lines 2 and 10, before "salary" insert "annual"; and in line 11 strike "sixty-one" and insert "sixty-four" and after "thousand" insert "five hundred".

3. On page 4, line 17, strike "fifty-four" and insert "fifty-two"; in lines 18 and 19 strike "fifty-two" and insert "forty-nine" and after "thousand" insert "five hundred"; and in line 21 strike "fifty" and insert "forty-seven".

LEGISLATIVE BILL 693. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0733.)

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lindsay asked unanimous consent to have his name added as co-introducer to LB 164. No objections. So ordered.

VISITORS

Visitors to the Chamber were 41 seventh grade students and teacher from Aquinas, David City; fourth grade students and teachers from Crete; 27 junior high students and teacher from Paxton; Gary Johnson from Crete; Brent Lathrup; 27 seniors and teacher from Red Cloud High School; and 11 juniors, seniors, and teacher from Sidney.

ADJOURNMENT

At 12:10 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, March 17, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 17, 1989

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 17, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 17, 1989

Pursuant to adjournment, the Legislature met at 9:07 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Fitzgerald, St. Philip Neri, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman. Landis, McFarland, and Rogers who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Hall, Hartnett, R. Johnson, Lamb, Moore, Mmes. Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 422. Placed on General File.

LEGISLATIVE BILL 429. Placed on General File as amended.
Standing Committee amendments to LB 429:
AM0664
1 1. Strike original sections 16 and 40.

2. On page 4. line 24, strike "16, 29, and 32 to 35" and insert "28, and 31 to 34".

3. On page 6, strike beginning with "provides" in line 7 through "Act" in line 15, show the old matter as stricken, and insert "as its primary function provides on an outpatient basis surgical procedures not ordinarily performed in a private physician's office to patients who are generally ambulatory, but shall not include the private offices or clinics of physicians, podiatrists, or dentists, who engage in the lawful practice of surgery in such offices or clinics".

4. On page 10, strike beginning with the second "or" in line 14 through "act" in line 15.

5. On page 11, line 19, strike the new matter and reinstate the stricken matter.

6. On page 49, strike beginning with the period in line 8 through "1992" in line 9.

7. On page 51, line 6, after "(d)" insert "the Certificate of Need Review Committee, (e)"; and in line 10 strike "(e)", show as stricken, and insert "(f)".

8. On page 52, line 4, strike "to" and insert ", 71-5868,".

9. Renumber remaining sections accordingly.

LEGISLATIVE BILL 665. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 54A. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-first Legislature, First Session, 1989.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Wednesday, April 19, 1989 1:30 p.m.
Board of Public Roads Classifications and Standards
Lila Churchill
Eldon D. Orth
Linda F. Kouth
George R. Williamson
James W. Bauer

(Signed) Howard Lamb, Chairperson

REPORT

Received Labor Relations report from the Department of Personnel pursuant to Statute 81-1384.

MOTION - Approve Appointments

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 1193: J. L. Spray - Coordinating Commission on Postsecondary Education.

Voting in the affirmative, 26:

Baack	Crosby	Johnson, L.	Lynch	Warner
Beck	Dierks	Korshoj	Morrissey	Wehrbein
Beyer	Elmer	Kristensen	Peterson	Weihing
Byars	Goodrich	Langford	Schmit	Wesely
Chizek	Hannibal	Lindsay	Smith	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 7:

Barrett	Hefner	Robak	Schellpeper	Scofield
Coordsen	Nelson			

Excused and not voting, 16:

Abboud	Chambers	Johnson, R.	Landis	Pirsch
Ashford	Haberman	Labedz	McFarland	Rogers
Bernard-Stevens	Hall	Lamb	Moore	Schimek
	Hartnett			

The appointment was confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

MOTHERS OF THE YEAR

Mr. Morrissey and Mrs. Crosby escorted the following women to the rostrum: Harriet Clark, Mother of the Year; and Lynn Kalemkiarian, Young Mother of the Year.

MOTION - Returned LB 254 to Select File

Mr. Baack moved to return LB 254 to Select File for his specific amendment, AM0767, found in the Journal on page 1049.

The Baack motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 254. The Baack specific amendment, AM0767, found in the Journal on page 1049, was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 326. With Emergency.

A BILL FOR AN ACT relating to the Risk Manager; to amend sections 60-1008 and 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943; to authorize self-insurance of certain risks and the purchase of risk management services; to transfer a section; 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, 37:

Ashford	Chambers	Hannibal	Lynch	Schmit
Baack	Conway	Hartnett	Morrissey	Scofield
Barrett	Coordsen	Hefner	Nelson	Smith
Beck	Crosby	Johnson, L.	Peterson	Warner
Bernard-Stevens	Dierks	Kristensen	Robak	Wehrbein
	Elmer	Labedz	Schellpeper	Weihing
Beyer	Goodrich	Langford	Schimek	Wesely
Byars	Hall	Lindsay		

Voting in the negative, 0.

Present and not voting, 3:

Chizek	Korshoj	Withem

Excused and not voting, 9:

Abboud	Johnson, R.	Landis	Moore	Rogers
Haberman	Lamb	McFarland	Pirsch	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to deeds of trust; to amend section 76-1004, Reissue Revised Statutes of Nebraska, 1943; to provide for notice of substitution of trustee 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:

Ashford	Beyer	Crosby	Hartnett	Labedz
Baack	Byars	Dierks	Hefner	Lamb
Barrett	Chambers	Elmer	Johnson, L.	Langford
Beck	Chizek	Goodrich	Johnson, R.	Lindsay
Bernard-Stevens	Conway	Hall	Korshoj	Lynch
	Coordsen	Hannibal	Kristensen	Morrissey

Nelson	Schellpeper	Scofield	Wehrbein	Wesely
Peterson	Schimek	Smith	Weihing	Withem
Robak	Schmit	Warner		

Voting in the negative, 0.

Excused and not voting, 7:

Abboud	Landis	Moore	Pirsch	Rogers
Haberman	McFarland			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 421 to Select File

Mrs. Smith moved to return LB 421 to Select File for her specific amendment, AM0932, found in the Journal on page 1191.

The Smith motion to return prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Smith specific amendment, AM0932, found in the Journal on page 1191, 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 440.

A BILL FOR AN ACT relating to liquors; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for manufacturing, creating, or altering a form of identification as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hannibal	Langford	Schimek
Ashford	Chizek	Hartnett	Lindsay	Schmit
Baack	Conway	Hefner	Lynch	Scofield
Barrett	Coordsen	Johnson, L.	Moore	Smith
Beck	Crosby	Johnson, R.	Morrissey	Warner
Bernard-Stevens	Dierks	Korshoj	Nelson	Wehrbein
Beyer	Elmer	Kristensen	Peterson	Weihing
Byars	Goodrich	Labedz	Robak	Wesely
	Hall	Lamb	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Haberman	Landis	McFarland	Pirsch	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 489.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-133, Revised Statutes Supplement, 1988; to provide for an additional practical examination 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	Hannibal	Lindsay	Schmit
Ashford	Chizek	Hartnett	Lynch	Scofield
Baack	Conway	Hefner	Moore	Smith
Barrett	Coordsen	Johnson, L.	Morrissey	Warner
Beck	Crosby	Johnson, R.	Nelson	Wehrbein
Bernard-Stevens	Dierks	Korshoj	Peterson	Weihing
Beyer	Elmer	Kristensen	Robak	Wesely
Byars	Goodrich	Labedz	Schellpeper	Withem
	Hall	Lamb	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 5:

Haberman Landis McFarland Pirsch Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 516. With Emergency.

A BILL FOR AN ACT relating to handicapped and disabled persons; to amend sections 18-1738 and 18-1739, Reissue Revised Statutes of Nebraska, 1943; to change the eligibility requirements and size and construction standards for parking permits as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chizek	Hartnett	Lindsay	Schmit
Ashford	Conway	Hefner	Moore	Scofield
Baack	Coordsen	Johnson, L.	Morrissey	Smith
Barrett	Crosby	Johnson, R.	Nelson	Warner
Beck	Dierks	Korshoj	Peterson	Wehrbein
Bernard-Stevens	Elmer	Kristensen	Robak	Weihing
	Goodrich	Labedz	Schellpeper	Wesely
Beyer	Hall	Lamb	Schimek	Withem
Chambers	Hannibal	Langford		

Voting in the negative, 0.

Present and not voting, 2:

Byars Lynch

Excused and not voting, 5:

Haberman Landis McFarland Pirsch 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 556.

A BILL FOR AN ACT relating to counties; to provide an exemption from the requirement of a bond in court actions and other proceedings.

Whereupon the 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	Hannibal	Lindsay	Schmit
Ashford	Chizek	Hartnett	Lynch	Scofield
Baack	Conway	Hefner	Moore	Smith
Barrett	Coordsen	Johnson, L.	Morrissey	Warner
Beck	Crosby	Johnson, R.	Nelson	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Peterson	Weihing
	Elmer	Labedz	Robak	Wesely
Beyer	Goodrich	Lamb	Schellpeper	Withem
Byars	Hall	Langford	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 5:

Haberman Landis McFarland Pirsch Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 154 to Select File

Mrs. Smith moved to return LB 154 to Select File for her specific amendment, AM0852, found in the Journal on page 1100.

PRESIDENT NICHOL PRESIDING

The Smith motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 154. The Smith specific amendment, AM0852, found in the Journal on page 1100, 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 556, 516, 489, 440, 334, and 326.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 441. With Emergency.

A BILL FOR AN ACT relating to alcoholic liquors; to amend sections 53-101, 53-103, 53-123.04, 53-123.08, 53-123.13, and 53-139, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for regulation of near beer; to state an exception; 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, 40:

Abboud	Baack	Beck	Bernard-Stevens	Beyer
Ashford	Barrett			Byars

Chizek	Hall	Labedz	Nelson	Smith
Conway	Hannibal	Lamb	Peterson	Warner
Coordsen	Hartnett	Langford	Robak	Wehrbein
Crosby	Hefner	Lindsay	Schellpeper	Weihing
Dierks	Johnson, L.	Lynch	Schimek	Wesely
Elmer	Korshoj	Morrissey	Scofield	Withem
Goodrich	Kristensen			

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Johnson, R.	Moore	Schmit

Excused and not voting, 5:

Haberman	Landis	McFarland	Pirsch	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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 441.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 155, 336, 623, and 744.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 155

The following changes, required to be reported for publication in the Journal, have been made:
ER6136

1. On page 1, line 3, "to provide for visors or shade devices as prescribed;" has been inserted after the semicolon; and in line 6 "to provide for waivers of and exemptions from such restrictions;" has

been inserted after the first semicolon; and in line 7 "harmonize provisions" has been struck and "provide a duty for the Revisor of Statutes" inserted.

2. On page 3, line 25, "(i)" has been struck and "(a)" inserted.

3. On page 4, line 6, "(ii)" has been struck and "(b)" inserted; in line 10 "(iii)" has been struck and "(c)" inserted; in line 15 "(iv)" has been struck and "(d)" inserted; in line 20 "(v)" has been struck and "(e)" inserted; and in line 25 "(vi)" has been struck and "(f)" inserted.

4. On page 5, line 2, "(vii)" has been struck and "(g)" inserted; in line 6 "(viii)" has been struck and "(h)" inserted; in line 10 "(ix)" has been struck and "(i)" inserted; and in line 23 "subdivisions (1)(a) through (e)" has been struck and "subsection (1)" inserted.

Enrollment and Review Changes to LB 336

The following changes, required to be reported for publication in the Journal, have been made:
ER6134

1. In the Withem amendment, AM0815:

a. On page 1, line 4, "This" has been struck and "Sections 1 to 6 of this" inserted;

b. On page 2, line 6, the second comma has been struck;

c. On page 4, line 15, "is" has been struck and "shall be" inserted;

d. On page 5, line 22, "committee" has been struck and "commission" inserted;

e. On page 6, line 8, "Office of" has been struck; and in line 9 "Office" has been inserted after "Research"; and

f. On page 7, the matter beginning with "a" in line 16 through "projects" in line 18 has been struck and "an incentive grant from the program for a school restructuring project. Such grants" inserted; and in line 19 the comma has been struck.

2. On page 1, the matter beginning with "state" in line 1 through "grants" in line 4 has been struck and "adopt the Nebraska School Restructuring Act" inserted.

Enrollment and Review Changes to LB 623

The following changes, required to be reported for publication in the Journal, have been made:
ER6137

1. On page 1, line 10, "and" has been struck.

2. On page 3, line 18, "director" has been struck and "Director of Environmental Control" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 16, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Blackburn, Francis G. - Lincoln (Withdrawn 89/03/10)	Nebraska Cooperative Council (Withdrawn 89/03/10)
Bones, Amy - Omaha	Friends of Non-profit Corporations IBM Multi-State Associates, Inc. on behalf of Playtex, Inc.
Boyer, John K. - Omaha	Friends of Non-profit Corporations IBM
DeCamp Legal Services, P.C. DeCamp, John - Lincoln	Nebraska Chapter of the International Association of Personnel in Employment Security
Litjen, Thomas R. - Omaha	Medical Liability Mutual Insurance Company Preferred Physicians Insurance Company
Sharp, James G. - Beatrice	Associated Credit Bureaus of Nebraska (Withdrawn 89/03/01)
(Withdrawn 89/03/01)	Nebraska Collectors Association, Inc. (Withdrawn 89/03/01) Nebraska Shorthand Reporters Association (Withdrawn 89/03/01)
Skochdopole, R. A. - Omaha	Medical Liability Mutual Insurance Company Preferred Physicians Insurance Company
Wright, Norman H. - Omaha	Air Transport Association Friends of Non-profit Corporations IBM

RESOLUTIONS

LEGISLATIVE RESOLUTION 58. Introduced by R. Johnson, 34th District.

WHEREAS, the Sutton High School boys basketball team captured the Class C-1 Boys State Basketball Championship; and

WHEREAS, the championship was the highlight of an outstanding 22-4 season; and

WHEREAS, Coach Steve Spongberg and the Sutton High School boys basketball team deserve special recognition for their hard work and achievements during the season.

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

1. That the Legislature congratulates Coach Spongberg and the Sutton High School boys basketball team on their accomplishments.

2. That a copy of this resolution be presented to Coach Steve Spongberg and the boys basketball team.

Laid over.

LEGISLATIVE RESOLUTION 59. Introduced by R. Johnson, 34th District.

WHEREAS, the Hampton High School boys basketball team captured the Class D-2 Boys State Basketball Championship; and

WHEREAS, under the direction of Coach Jerry Eickhoff, the boys basketball team finished the season with an outstanding 24-1 record; and

WHEREAS, the successful season and championship deserve special recognition.

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

1. That the Legislature congratulates Coach Eickhoff and the Hampton High School boys basketball team on their achievements.

2. That a copy of this resolution be presented to Coach Jerry Eickhoff and the boys basketball team.

Laid over.

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointment Wednesday, March 22, 1989 1:30 p.m.
(Cancelled)
Leland Oberg

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 89. The pending Schmit amendment, FA73, found in the Journal on page 1192, was renewed.

SPEAKER BARRETT PRESIDING

Mr. Warner offered the following amendment to the pending Schmit amendment:
FA75
by adding the words "except the proceeds of sales tax on motor vehicles, trailers, and semi trailers." after the words sales tax in his new section.

Messrs. Beyer, Kristensen, Wehrbein, and Hefner 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 lost with 23 ayes, 4 nays, and 22 not voting.

The Warner amendment was adopted with 17 ayes, 6 nays, 18 present and not voting, and 8 excused and not voting.

Mr. Hall offered the following amendment to the pending Schmit amendment:
FA76

(Amendments to the Schmit amendment, FA73)

1. Strike amendment FA73 and insert the following new amendments:

"1. Insert the following new sections:

'Sec. 12. That section 77-2701, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 15 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or

the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15.

Sec. 13. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be ~~four~~ seven percent.

Sec. 14. That section 77-27,132, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under Chapter 66, article 4, the Special Fuel Tax Act, the Tobacco Products Tax Act, and the Nebraska Revenue Act of 1967 and for transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under such provisions. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, (b) then, commencing with all amounts credited on or after ~~July 1, 1986, and on or before June 30, 1987~~ October 1, 1989, credit to the Highway Trust Fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of ~~three and one-half~~ five percent, ~~and~~ (c) commencing ~~with all amounts credited on or after July 1, 1987, credit to the Highway Trust Fund~~

~~all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers~~ on or after October 1, 1989, credit to the Educational Excellence Fund the portion of the proceeds of the sales and use taxes which is attributable to a sales and use tax rate of one percent, and (d) commencing on or after October 1, 1989, credit to the Property Tax Relief Fund the portion of the proceeds of the sales and use taxes which is attributable to a sales and use tax rate of two percent. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 15. There is hereby created the Property Tax Relief Fund. The fund shall be administered by the Department of Revenue and shall consist of all amounts credited to such fund pursuant to section 77-27,132. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 16. This act shall become operative on October 1, 1989.

Sec. 17. That original section 77-2701.02, Reissue Revised Statutes, 1943, and sections 77-2701 and 77-27,132, Revised Statutes Supplement, 1988, are repealed.'.

2. Insert underscoring as necessary.

3. Correct internal references accordingly.".

Mr. Hall withdrew his pending amendment.

Mr. Chambers offered the following amendment to the pending Schmit amendment:
FA77

Add "Such one per cent sales tax shall not be assessed against utilities, clothing or household goods of any kind or description"

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. 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 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Abboud	Beck	Crosby	Moore	Schimek
Baack	Chambers	Lynch	Morrissey	Wesely

Voting in the negative, 29:

Barrett	Coordsen	Johnson, L.	Langford	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	Lindsay	Smith
	Hall	Korshoj	Nelson	Warner
Byars	Hannibal	Kristensen	Robak	Wehrbein
Chizek	Hartnett	Labedz	Schellpeper	Weihing
Conway	Hefner	Lamb	Schmit	Withem

Present and not voting, 4:

Beyer	Dierks	Elmer	Peterson

Excused and not voting, 6:

Ashford	Landis	McFarland	Pirsch	Rogers
Haberman				

The Chambers amendment lost with 10 ayes, 29 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 60. Introduced by R. Johnson, 34th District.

WHEREAS, agriculture has been and always will be the backbone of Nebraska's economic success; and

WHEREAS, throughout the history of Nebraska, our farmers and ranchers have persevered through drought, blizzards, grasshoppers, inflation, high interest rates, and collapses of land prices; and

WHEREAS, Nebraska agriculture has been built into a seven billion dollar a year industry and is continuing to grow and adding to the strength of Nebraska's economy; and

WHEREAS, National Agriculture Week and National Agriculture Day have been established to focus national attention and appreciation on America's producers.

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

1. That the Legislature of Nebraska declares March 19-25, 1989, as Agriculture Week in Nebraska and March 20, 1989, as Agriculture Day in Nebraska in conjunction with National Agricultural Week and National Agriculture Day.

2. That the Legislature urges Nebraskans to honor and thank Nebraska's farmers and ranchers by supporting and participating in Agricultural Week in Nebraska and in Agriculture Day in Nebraska.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1989, at 11:00 a.m., were the following bills: 326, 334, 440, 489, 516, 556, and 441.

(Signed) Randy Tippin, Enrolling Clerk

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 711. Indefinitely postponed.

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans 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.

Ruth Ann Connell - Hall of Fame Commission

Voting aye: Senators Baack, Bernard-Stevens, Beyer, Coordsen, Korshoj, and Robak. Absent: Senators Conway and Withem.

(Signed) Dennis Baack, Chairperson

VISITORS

Visitors to the Chamber were 38 fifth grade students and teacher from Springville Elementary School, Omaha; Charles E. Trauger from Geneva; Marci Lab, Annette Hiebenthal, and Melissa Thomas from Milford; 20 girl scouts from across the state; and 11 seniors and teacher from Murdock Consolidated Schools.

ADJOURNMENT

At 11:54 a.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Monday, March 20, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 20, 1989

LEGISLATIVE JOURNAL

FORTY-NINTH DAY - MARCH 20, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 20, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Stuart Firnhaber, Lincoln Correctional Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack and Bernard-Stevens who were excused; and Messrs. Abboud, Conway, Coordsen, Dierks, Landis, McFarland, Schellpeper, Schmit, Withem, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

FA78

Amend Schmit amendment:

1. In sec. 77-27,132 amend subdivision (2)(b) to read:

"(b) then credit to the Highway Trust fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of four per cent. The balance of the amounts so paid shall be credited to the General Fund."

2. Strike subdivision (2)(c) of section 77-27,132.

3. Strike the Warner amendment to the Schmit amendment adopted 3-17-89

BILLS ON FIRST READING

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

LEGISLATIVE BILL 739A. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 739, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 747A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 747, Ninety-first Legislature, First Session, 1989.

RESOLUTIONS

LEGISLATIVE RESOLUTION 52. Read. Considered

LR 52 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 53. Read. Considered.

LR 53 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 56. Read. Considered.

LR 56 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 57. Read. Considered.

LR 57 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 59. Read. Considered.

LR 59 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 60. Read. Considered.

LR 60 was adopted with 26 ayes, 0 nays, and 23 not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Place LB 432 on General File

Mr. Wesely renewed his pending motion, found in the Journal on page 1148, to place LB 432 on General File notwithstanding the action of the Government Committee.

Mr. Wesely withdrew his pending motion to place on General File.

GENERAL FILE

LEGISLATIVE BILL 262. Title read. Considered.

Standing Committee amendment, AM0377, found in the Journal on page 779 for the Thirtieth Day, was considered.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Messrs. Conway, Baack, and Bernard-Stevens renewed their pending amendment, AM0744, found in the Journal on page 1015.

Mr. Dierks 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-Baack-Bernard-Stevens amendment lost with 16 ayes, 17 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Beyer moved to indefinitely postpone LB 262.

Laid over.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 68. Indefinitely postponed.
LEGISLATIVE BILL 300. Indefinitely postponed.
LEGISLATIVE BILL 439. Indefinitely postponed.
LEGISLATIVE BILL 573. Indefinitely postponed.
LEGISLATIVE BILL 595. Indefinitely postponed.
LEGISLATIVE BILL 614. Indefinitely postponed.
LEGISLATIVE BILL 745. Indefinitely postponed.
LEGISLATIVE BILL 754. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

AM0969

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 50-419, Reissue Revised Statutes of Nebraska, 1943, 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 of the Legislature. 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 incentives and revenue receipts related to the Employment and Investment Growth Act. The report shall state the incentives applied for under the act and the refunds allowed on investments, the credits earned, the credits used to reduce income tax liability, 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. The report shall present such information in groups aggregated to contain ten or more taxpayers receiving benefits under the act.

(7) The information necessary to prepare the report 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;

(g) To establish a system of program and policy monitoring and performance review; and

(h) To prepare an annual analysis, based on information provided by the Legislative Fiscal Analyst and any other relevant sources, of the cost-effectiveness of projects under the Employment and Investment Growth Act with consideration given to job growth, retention, and reduction, wages, expansion of capital investment, and such other factors as may be relevant. The committee may contract for the preparation of the analysis.

(2) The Legislative Fiscal Analyst, with the assistance of the Director of Research, shall implement the 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 report shall also be made available to the public.

Sec. 4. That original sections 50-419 and 50-702, Reissue Revised Statutes of Nebraska, 1943, and section 77-4105, Revised Statutes Supplement, 1988, are repealed.".

2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 592. Title read. Considered.

Mr. Ashford offered the following amendment:
FA79
to amend 28-416(1) by adding subsection (c) which states to manufacture or SELL any semi-automatic firearm which can hold more than five rounds of ammunition.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman requested a ruling of the Chair on whether the Ashford amendment is germane to the bill.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Ashford amendment is not germane to the bill.

Mr. Ashford offered the following amendment:
FA80
28-416(1) - It shall be a class II felony to manufacture or sell any semi-automatic firearm which can hold more than five rounds of ammunition.

Mr. Haberman requested a ruling of the Chair on whether the Ashford amendment is germane to the bill.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chair ruled the Ashford amendment is not germane to the bill.

Mr. Ashford challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Hall and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman requested a record vote on the motion to overrule the Chair.

Mr. Ashford moved for a call of the house. The motion prevailed with 9 ayes, 7 nays, and 33 not voting.

Mr. Ashford requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 14:

Ashford	Goodrich	Landis	Robak	Weihing
Beyer	Hartnett	Lindsay	Schimek	Wesely
Chambers	Johnson, R.	Nelson	Schmit	

Voting in the negative, 26:

Abboud	Dierks	Korshoj	Moore	Schellpeper
Beck	Elmer	Kristensen	Morrissey	Scofield
Byars	Haberman	Lamb	Peterson	Smith
Chizek	Hefner	Langford	Pirsch	Wehrbein
Conway	Johnson, L.	Lynch	Rogers	Withem
Crosby				

Present and not voting, 1:

Barrett

Absent and not voting, 1:

McFarland

Excused and not voting, 7:

Baack	Bernard-Stevens	Coordsen	Hannibal	Warner
		Hall	Labedz	

The Ashford motion to overrule the Chair lost with 14 ayes, 26 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair was sustained.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 311. Placed on Select File as amended.
E & R amendments to LB 311:
AM5096

1. On page 3, lines 13 and 19, strike "has", show as stricken, and insert "have".
2. On page 8, line 15; page 10, line 18; and page 11, line 11, strike the comma and show as stricken.
3. On page 9, line 2, after "limited" insert an underscored comma; and in line 18 strike "such a fund" and insert "the Wastewater Treatment Facilities Construction Loan Fund".
4. On page 10, lines 20 and 21; and page 11, lines 12 and 13, strike "is", show as stricken, and insert "are".
5. On page 11, lines 21 and 23, strike "is" and insert "are".
6. On page 14, line 12 after the second semicolon insert "and".
7. On page 18, strike beginning with "Wastewater" in line 14 through "Fund" in line 15 and insert "fund".
8. On page 21, line 12, strike "director", show as stricken, and insert "Director of Environmental Control".

LEGISLATIVE RESOLUTION 2CA. Placed on Select File as amended.
E & R amendment to LR 2CA:
AM5095

1. On page 3, line 1, after "agricultural" insert "land".

LEGISLATIVE BILL 643. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 188. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Ashford and Lindsay asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

AM0108

1. On page 4, line 17, after "county" insert ", except that no proceeds shall be used to improve a facility in which parimutuel wagering is conducted".

2. On page 6, line 4, after "attraction" insert ", except that grants shall not be available for any visitor attraction where parimutuel wagering is conducted"; and strike lines 5 and 6 and insert "(3) For purposes of this section and section 81-1255, visitor".

VISITORS

Visitors to the Chamber were 15 first and second grade students and teacher from Hawthorne School, Lincoln; 48 sixth grade students and sponsor from Central City; ten juniors, seniors, and teacher from Crete; and Gail Yanney, Sue Scott, and Gene Mahoney.

RECESS

At 11:55 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. Baack, Bernard-Stevens, Morrissey, and Mrs. Beck who were excused; and Messrs. R. Johnson, Lynch, Schmit, and Mrs. Labedz who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 57.

GENERAL FILE

LEGISLATIVE BILL 592. Considered.

Mr. Chambers moved to indefinitely postpone LB 592.

Messrs. Wehrbein and Coordsen 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 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 2:

Chambers Landis

Voting in the negative, 26:

Abboud	Crosby	Hannibal	Lamb	Robak
Ashford	Dierks	Hefner	Lindsay	Schellpeper
Beyer	Elmer	Johnson, L.	Moore	Warner
Byars	Goodrich	Johnson, R.	Nelson	Weihing
Chizek	Hall	Kristensen	Pirsch	Wesely
Conway				

Present and not voting, 13:

Barrett	Korshoj	Peterson	Schmit	Smith
Haberman	Langford	Rogers	Scofield	Withem
Hartnett	McFarland	Schimek		

Excused and not voting, 8:

Baack	Bernard-Stevens	Coordsen	Lynch	Wehrbein
Beck		Labedz	Morrissey	

The Chambers motion to indefinitely postpone lost with 2 ayes, 26 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 154, 254, and 421.

Correctly Engrossed

The following bill was correctly engrossed: 183.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 154
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6139

1. On page 22, line 25, "from retailers" has been inserted after "purchases".

Enrollment and Review Changes to LB 183

The following changes, required to be reported for publication in the Journal, have been made:
ER6138

1. In the Baack amendment, FA68, on page 1, line 1, the second "and" has been struck; in line 2 "as defined in section 2 of this act" has been inserted after "students"; and in line 3 "this bill" has been struck and "sections 1 to 17 of this act" inserted.

2. In the Baack amendment, AM0862, on page 2, the matter beginning with the semicolon in line 13 through the last quotation marks in line 14 has been struck.

3. In the Baack amendment, AM0861, on page 1, line 13, the comma has been struck; the matter beginning with "subdivisions" in line 14 through "(1)(d)" in line 15 has been struck and "subsection (1)" inserted; and in line 18 "this section" has been struck and "such sections" inserted.

4. In the Baack amendment, AM0709, on page 1, the matter beginning with "The" in line 8 through "(2)" in line 13 has been struck and the remaining subdivisions renumbered accordingly.

5. In the E and R amendment, AM5078, on page 11, line 12 has been struck.

6. On page 1, line 1, "79-420," has been inserted after "sections"; in line 2 "79-3320," has been struck; and the matter beginning with the second semicolon in line 10 through "programs" in line 13 has been struck and "as prescribed" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 61. Introduced by Schmit, 23rd District.

WHEREAS, the Wahoo High School boys basketball team completed the 1988-89 basketball season with a perfect 26-0 record and the state's longest current win streak of thirty-eight victories; and

WHEREAS, on March 10, 1989, the Wahoo Warriors won their second consecutive Class B Boys State Basketball Championship; and

WHEREAS, Coach Mick Anderson and the Wahoo High School boys basketball team demonstrated exceptional athletic ability, a competitive spirit, and teamwork; and

WHEREAS, the coaches and team members deserve special recognition for their accomplishments throughout the season.

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

1. That the Legislature extends its congratulations to the Wahoo High School boys basketball team and its coaching staff.

2. That a copy of this resolution be presented to the team and the coaching staff in appreciation of their efforts.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 592. Mr. Chambers moved to bracket LB 592 until April 25th.

Mrs. Smith and Mr. Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

SPEAKER BARRETT PRESIDING

The Chambers motion to bracket lost with 7 ayes, 24 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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 31 ayes, 5 nays, 7 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendments to LB 343:
AM0956

1. On page 3, lines 16 and 22; page 4, lines 12 and 21; page 5, lines 11 and 23; page 6, lines 3, 7, 9, and 19; page 7, lines 1 and 16; page 10, lines 18, 20, and 23; page 13, line 12; and page 14, line 4, strike "and" and insert "or".

2. On page 4, line 9, strike "suffer from", show as stricken, and insert "have" and strike "and", show as stricken, and insert "or".

3. On page 8, line 19, after the period insert "Such funds are not intended to reduce the responsibility for the provision of services and support from all other local, state, or federal sources, grants-in-aid, educational programs, or other public or private funds.".

4. On page 9, line 2, after "expend" insert "such"; strike beginning with "(d)" in line 7 through "(e)" in line 10 and insert "and (d)".

5. On page 10, line 21, after "buildings" insert an underscored comma.

6. On page 12, lines 8 and 9, strike "the sole diagnosis of".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

FA81
Amend the Standing Committee amendments (AM0289) to LB 37:
1.) On page 1, strike beginning with "line" on line 5 through "or" in line 7 and insert "reinstate the stricken matter in lines 1 through 4."

RESOLUTION

LEGISLATIVE RESOLUTION 62. Introduced by R. Johnson, 34th District.

WHEREAS, the Sutton High School football team had an outstanding 13-0 season and captured the Class C-1 Boys State Football Championship; and

WHEREAS, the Sutton High School boys basketball team had an excellent 22-4 season and captured the Class C-1 Boys State Basketball Championship; and

WHEREAS, the winning of two state championships demonstrates determination, hard work, and outstanding team spirit; and

WHEREAS, Rob Hanger, football coach, Steve Spongberg, basketball coach, and the members of both teams deserve special recognition for their achievements.

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

1. That the Legislature congratulates Coach Hanger, Coach Spongberg, and the members of the football and basketball teams on their accomplishments.

2. That a copy of this resolution be presented to Coach Rob Hanger, Coach Steve Spongberg, and the members of the football and basketball teams.

Laid over.

ANNOUNCEMENT

Mr. Coordsen announced the Business and Labor Committee will hold an Executive Session at 10:00 a.m., Tuesday, March 21 in the Senate Lounge.

GENERAL FILE

LEGISLATIVE BILL 49A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 231A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 285A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 338A. Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	Hall	Labedz	Robak	Warner
Byars	Hannibal	Landis	Schellpeper	Weihing
Chambers	Hartnett	Lindsay	Schmit	Wesely
Chizek	Johnson, R.	Lynch	Scofield	Withem
Dierks	Kristensen	McFarland		

Voting in the negative, 17:

Ashford	Elmer	Korshoj	Moore	Pirsch
Beyer	Haberman	Lamb	Nelson	Rogers
Coordsen	Hefner	Langford	Peterson	Wehrbein
Crosby	Johnson, L.			

Present and not voting, 3:

Barrett	Goodrich	Schimek

Excused and not voting, 6:

Baack	Bernard-	Conway	Morrissey	Smith
Beck	Stevens			

Failed to advance to E & R for Review with 23 ayes, 17 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 340A. Title read. Considered.

MRS. LABEDZ PRESIDING

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Messrs. Haberman, Hefner, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 378A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 408A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 412A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 574A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 410. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 714 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments, AM0464)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0748.)

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89015

DATE: March 20, 1989

SUBJECT: The constitutionality of an act of the Legislature which would make Kearney State College a part of the University of Nebraska system; designating its campus as the University of Nebraska at Kearney; and transferring its

governance from the State College Board of Trustees to the Board of Regents of the University of Nebraska.

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
A. Eugene Crump, Deputy Attorney General

In your letter to this office under date of February 7, 1989, you inquire if the Constitution of Nebraska prohibits the inclusion of Kearney State College in the University of Nebraska System. The same is hereinafter discussed.

Currently, Nebraska has four State Colleges. These colleges were first known as normal schools or two-year institutions of learning devoting their resources and facilities primarily to the training of teachers. A cursory review of the historical development of each is worthy of note.

In 1867, the same year that the State of Nebraska was admitted to the Union, the Legislature established a State Normal School at Peru. It was Nebraska's first normal school and the third teacher training school west of the Missouri River. In 1903 the Legislature appropriated money for the establishment of another state normal school in Central or Western Nebraska subject to certain conditions. Pursuant thereto, the City of Kearney was selected as the site thereof by the State Board of Education on September 1, 1903. The third normal school was established at Wayne in 1909 when the Legislature authorized the purchase of the property, buildings, and equipment of the Nebraska Normal College, a private institution founded in 1891. It opened as a State Normal School in September, 1910. The fourth normal school has its roots in the Chadron Congregational Academy, which was founded in 1888 to meet the needs of a pioneering community for teachers. In 1910, the State Board of Education selected Chadron as the site for a fourth State Normal School and acquired eighty acres of land that included the Academy's property.

The basic purpose of the above described normal schools was "the training and instruction of persons, both male and female, in the arts of teaching and managing schools, and in the principles and practice of the various branches of learning taught in our public schools." See, Section 7072, Revised Statutes of Nebraska 1913. The control of the four normal schools was initially placed in a statutory created board of education consisting of seven members, five of whom were

appointed by the Governor for a term of five years each, and the State Treasurer and the State Superintendent of Public Instruction, by virtue of their office, were also members of the board. See, Section 6742, Revised Statutes of Nebraska 1913. Seven years later this board was elevated to a constitutional status.

Specifically, on the eighteenth day of the 1919-1920 Constitutional Convention, Proposal Number 222 was made by delegate Wall. The proposal provided as follows:

> The general government of the state normal schools located at Peru, Kearney, Wayne and Chadron, and such other normal schools as may be established by law, shall be vested, under the direction of the legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, one each for a term of one, two, three, four, five and six years, and thereafter one each for a term of six years, and the State Superintendent of Public Instruction who shall be a member ex-officio. The duties and powers of said board shall be prescribed by law; and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

{Vol. 1, Proceedings of the Constitutional Convention, 1919-1920, p. 192.} {Emphasis added.} The proposal was referred to the Committee on Education.

Subsequently, the Committee on Education reported for general file Proposal Number 222, amended, as follows:

> The general government of the state normal schools, as now existing, and such other normal schools as may be established by law, shall be vested, under the direction of the legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, one each for a term of one, two, three, four, five and six years, and thereatfer {sic} one each year for a term of six years, and the State Superintendent of Public Instruction who shall be a member ex-officio. The duties and powers of said board shall be prescribed by law; and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

{Vol. 1, Proceedings of the Constitutional Convention, 1919-1920, p. 655.} {Emphasis added.}

It is well settled law that it is permissible to consider the facts of history in determining the meaning of the language of the Constitution. State v. Sheldon, 78 Neb. 552, 111 N.W. 372 (1907). "It is also appropriate and helpful to consider, in connection with the

historical background, the evil and mischief attempted to be remedied, the objects to be accomplished, and the scope of the remedy its terms imply." State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 341 N.W.2d 502 (1949). It is therefore proper to examine the recorded proceedings of the 1919-1920 Constitutional Convention on Proposal Number 222 and the subsequent legislative history on the amendments thereto.

1920 Amendment

The recorded proceedings of the 1919-1920 Constitutional Convention discloses that on the thirty-ninth day thereof the following occurred:

MR. WALL: I move that the Committee of the Whole now proceed with the consideration of Proposal No. 222. Motion prevailed.

Proposal No. 222

Proposal to add a new section to Article VIII as follows: (Normal School Government.) The general government of the state normal schools located at Peru, Kearney, Wayne and Chadron, and such other normal schools as may be established by law, shall be vested, under the direction of the legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, one each for a term of one, two, three, four, five and six years, and thereafter one each year for a term of six years, and the State Superintendent of Public Instruction who shall be a member ex-officio. The duties and powers of said board shall be prescribed by law; and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

MR. NYE: On behalf of the Committee on Education I desire to state that when this proposal was under consideration it was unanimous before the Committee that the Normal Schools should be recognized in the Constitution in the same manner as are the universities and public schools. We are all aware that both the universities and public schools are based upon Constitutional provisions and that the Normal Schools are based upon legislative provisions. In order to give the normal schools an equal standing with the common schools and universities it was deemed advisable to recognize them in the Constitution for the reason that the normal schools have become one of the three great departments in our educational system. They perform special purposes and special functions and teach the youth of our state so that they may become teachers in the commons schools; but that is not the only purpose of the normal schools. The normal schools, also, have a

course of study which provides the student who gets out from the high school an opportunity to review the practical subjects that he will get in after life, and these schools also provide a course of study that the boy and girl who never go to high school and cannot afford to go to the university, may go there and at a nominal price take this course of study which is best suited to them for their after life. A vast amount of money has been spent by the state in building up these normal schools, so that it was the opinion of the Committee that these normal schools, being established as they are, and performing such a useful purpose as they are performing, should be recognized in the Constitution.

In regard to the members of the normal board. We have made the number seven, that is the present number, which is composed of five who are appointed by the Governor and two ex-officio members, being the Superintendent of Public Instruction and the State Treasurer. We dropped off the State Treasurer because he has always been merely a figurehead on the board, but we left on the State Superintendent for the reason that the common schools are under the control and management of the State Superintendent, and he looks to the normal schools primarily to furnish the teachers to teach in the common schools. It is very important to have the common schools closely associated and linked together, because the one cannot exist without the other and without one the other cannot successfully progress.

I submit to the Convention this brief statement that the normal schools should be recognized as the Committee has recommended.

THE SECRETARY: There was a Committee amendment which I will read now.

"Your Committee on Education respectfully reports for general file Proposal No. 222 amended as follows, to-wit:

"(Normal School Government.) The general government of the state normal schools, as now existing, and such other normal schools as may be established by law, shall be vested, under the direction of the legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, one each for a term of one, two, three, four, five and six years, and thereafter one each year for a term of six years, and the State Superintendent of Public Instruction who shall be a member ex-officio. The duties and powers of said board shall be prescribed by law; and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein."

FRED A. NYE, Chairman."

MR. NYE: The reason for making the change is simply this, that we drop out the location as it was in the original proposal, and simply inserted "The state normal schools as now existing." It was thought advisable to do that rather than to give prominence to the particular location by Constitutional provision.

{Vol. 1, Proceedings of the Constitutional Convention, 1919-1920, pp. 746 and 747.} {Emphasis added.}

The recorded proceedings of the 1919-1920 Constitutional Convention also disclose that the method of selecting the members to serve on the proposed constitutional Board of Education of State Normal Schools was thereafter debated, including whether the members thereof should be elected by the people or be appointed by the Governor and if so, whether the appointment should be made with the advice and consent of the Senate. See, Vol. 1, Proceedings of the Constitutional Convention, 1919-1920, pp. 748 to 752. On the other hand, we have found no debate in the recorded proceedings of the 1919-1920 Constitutional Convention on the basic comments made by delegate Nye which are quoted above. The recorded proceedings of the 39th day of that Convention does reveal that at the close of the debate that day, Proposal Number 222, as amended, was reported to the Committee on Arrangement and Phraseology.

Thus, without more, the early historical background of this constitutional provision discloses that a majority of the delegates to the 1919-1920 Constitutional Convention believed that "in order to give the normal schools an equal standing with the common schools and universities it was deemed advisable to recognize them in the Constitution for the reason that the normal schools have become one of the three great departments of our educational system." This early historical background also discloses that the basic mission of the normal schools was the training of teachers. We find nothing in the recorded proceedings of the 1919-1920 Constitutional Convention or in Proposal Number 222 that would support a finding that in the event this proposal were approved by the electorate that university status could thereafter be granted to one or more normal schools by the passage of a legislative act or that the general government of one or more of the normal schools could thereafter be divested from the Board of Education of State Normal Schools and vested in some other entity by the passage of a legislative act.

As noted above, Proposal Number 222, as amended, was reported to the Committee on Arrangement and Phraseology. It was thereafter reported to the Committee of the Whole and read and passed a second and third time. Subsequently, it and forty other proposals, were submitted at a special election on September 21, 1920, at which time Proposal Number 222 was approved by the electorate. It was

then designated section 13 of Article VII of the Constitution of Nebraska.

1952 Amendment

In the year 1951, the sixty-second session of the Nebraska Legislature approved LB 212, an act to submit to the electors several amendments to the Constitution of Nebraska which related to education. Included was a proposal to amend section 13 of Article VII of the Constitution of Nebraska as follows:

> The general government of the state normal schools, as now existing, and such other normal schools as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex-officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein. (Emphasis added.)

The above quoted proposal was approved by the electorate at the general election in November, 1952. It was simply a house cleaning measure made necessary by other amendments to the Nebraska Constitution subsequent to the year 1920 and to harmonize this section of the Constitution with other proposed amendments in LB 212. Specifically, it substituted the word "Legislature" for the word "senate" and the words "Commissioner of Education" for the words "State Superintendent of Public Instruction."

1968 Amendment

In the year 1967, the seventy-seventh session of the Nebraska Legislature approved LB 174, an act to submit to the electors another proposal to amend to section 13 of Article VII of the Constitution of Nebraska. It provided as follows:

> The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex- officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the

performance of their duties, but may be reimbursed their actual expenses incurred therein. (Emphasis added.)

The above quoted proposal was approved by the electorate at the general election in November, 1968. The reason and the meaning to be ascribed thereto is well documented in the legislative history thereof. In his filed statement of purpose, dated January 26, 1967, Senator Robinson, who introduced the proposed amendment, stated:

This bill submits to the voters a constitutional amendment which, if adopted, gives to the legislature the power to change and rename the Board of Education of State Normal Schools.

The public hearing on this proposed amendment is short and quoted below in its entirety:

Dr. Freeman Decker, State Normal Board: The name "normal school" is completely out of date, and has been a thorn in our side for a long time. We have been more concerned the last four or five years, because it makes it difficult to recruit faculty members. Normal school goes back hundreds of years. Historically, state normal schools offered one to two year courses in art of teaching. At present, few state normal schools exist; they become state colleges. We do not specify any given name, but could offer suggestions to the Legislature for a name.

Senator Harsh: Is it worth $10,000?

Dr. Decker: It is worth more than that. When fighting to get faculty members, there are advantages to asking them to teach in teachers colleges.

Senator Elrod: Reason for allowing Legislature to name it is that this would never happen again.

Dr. Decker: Probably yes. If other changes need to be made, the Legislature can call us anything they want to.

Dr. Floyd Miller, State Commissioner of Education: I subscribe to the testimony given by Dr. Decker.

The was no opposition to this bill.

It is self-evident that this 1968 amendment to section 13 of Article VII of the Constitution of Nebraska was simply cosmetic. It renamed the former "state normal schools" as "state colleges" and granted the Legislature the authority to designate the name of their governing board. The reason for this proposal, as explained by Dr. Freeman Decker, was straight forward. When recruiting faculty members "there are advantages to asking them to teach in teachers colleges."

Conclusion

The legislative history of the four state colleges, Peru, Kearney, Wayne, and Chadron, is thus well documented. Their principle mission from the beginning of statehood has been the training of teachers. Consequently, we are of the firm opinion that a legislative

act which would grant university status to any or all of the existing State Colleges would be unconstitutional.

We would also note that the initial language of section 10 of Article VII of the Nebraska Constitution dealing with the government of the University of Nebraska is virtually identical to the initial language of section 13 of Article VII of the Nebraska Constitution dealing with the state colleges. Both sections provide that the "general government" of the respective institutions "shall be vested," under the direction of the Legislature, in the respective governing boards. In Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977), our Supreme Court discussed section 10 of Article VII of the Nebraska Constitution. The court stated,

> The trial court further found that the provision that the duties and powers of the Board of Regents "shall be prescribed by law," means that the Legislature may set forth the powers and duties of the Regents. With this finding we agree but this provision must be considered with the other language of the section which requires that the general government of the University be vested in the Board of Regents. Thus, although the Legislature may add to or subtract from the powers and duties of the Regents, the general government of the University must remain vested in the Board of Regents and powers and duties that should remain in the Regents cannot be delegated to other officers or agencies.

Id. at 149, 256 N.W.2d at 332, 333. (Emphasis added). Since section 13 of Article VII is virtually identical to section 10 of Article VII, it seems to us that, by analogy, the court's language in the Exon case would apply equally to section 13 of Article VII. Based upon that case and the constitutional history discussed above, we therefore believe that the Legislature may not, by statute, divest the general government of one or more of the state colleges from the Board of Trustees of the Nebraska State Colleges and place that college(s) under the general government of the Board of Regents of the University of Nebraska. This may not be done directly by statute; nor may it be done indirectly by altering the powers and duties of the Board of Trustees so as to create the same change. On the other hand, such a change in governance might be effected if the people were to chose to amend the Nebraska Constitution.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) A. Eugene Crump
Deputy Attorney General

cc: Patrick J. O'Donnell

Clerk of the Legislature
20-535-8

Opinion No. 89016

DATE: March 15, 1989

SUBJECT: Constitutionality of legislative act that would divert income earned from the lease of school lands to the counties at the expense of the common schools.

REQUESTED BY: Senator Loran Schmit
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter of March 10, 1989, you have asked this office to provide you as soon as possible with an in-depth analysis of proposed legislation that would create an in lieu of tax on school lands to be paid to the county when collected equal to the amount that the land would pay in property taxes if the school lands were on the tax rolls. Due to time restraints and the press of other state business, including prosecuting or defending at this time more than 500 civil and criminal cases, it is impossible for us to do an in- depth analysis. We trust, however, the following will suffice.

Much of the law relating to school land grants is now of importance only historically, so that a detailed discussion thereof would serve little or no practical purpose. However, we deem it appropriate to set forth a short historical background and selected citations which deal with certain aspects of the subject which are of present-day importance.

It is a matter of history that the United States acquired great areas of the public domain by discovery, conquest, and purchase. Obviously, there were no federal lands within the borders of the original thirteen states when they adopted and ratified the United States Constitution. Thus, virtually all of the lands within their borders were subject to taxation, including taxation necessary for the maintenance of their public school systems. When other states were subsequently admitted into the Union, their territorial confines were "carved" from federal territories. The "public lands" owned and reserved by the United States within those territorial confines were

not subject to taxation. This reservation by the United States created a serious impediment to the "public land" states in relation to an adequate property tax base necessary to permit these states to operate and maintain essential governmental services, including the public school systems. It was in recognition thereof, i.e., in order to "equalize" the status of the newly admitted states with that of the original thirteen states, that the Congress enacted the federal land grant statutes. The specific purpose was to create a binding permanent trust which would generate financial aid to support the public school systems of the "public land" states. The nature of the Congressional land grant program was "bilateral" in effect. It constituted a solemn immunity from taxation of federal lands reserved or retained in ownership by the United States within the territorial boundaries of the newly admitted states in return for the acceptance by the states of the lands granted, to be held and administered by the states under trust covenants for the perpetual benefit of the public school systems.(1)

Section 7 of the Act to enable the people of Nebraska to form a Constitution and State Government, and for the admission of the State of Nebraska into the Union on an equal footing with the original States, provides:

> And be it further enacted, That sections number sixteen and thirty-six in every township, and when such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto, in legal sub-divisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby granted to said state for the support of the common schools. (Emphasis added.)

(U.S. Stat. at Large, vol. 13, p. 47). The people of Nebraska, of course, formed a Constitution and State Government and thereafter by proclamation of then President Andrew Johnson, the State of Nebraska was admitted to the Union on March 1, 1867.

A grant by Congress of land to a state for the benefit of the common schools is an absolute grant, vesting title for a specific purpose. Alabama v. Schmidt, 232 U.S. 168, 34 S.Ct. 301, 58 L.Ed.2d 555 (1914). The school land grant and its acceptance by the state constitutes a solemn compact between the United States and the state for the benefit of the state's public school system. State of Nebraska v. Platte Valley Public Power and Irrigation District, 147 Neb. 289, 23 N.W.2d 300 (1946). Hence, the State of Nebraska, as trustee of the lands and of the income therefrom, is required to administer the trust estate under rules of law applicable to trustees acting in a fiduciary capacity. State ex rel. Ebke v. Board of Educational Lands and Funds, 159 Neb. 79, 65 N.W.2d 392 (1954).

Consequently, legislation which would divert income earned from the lease of school lands to the counties at the expense of the common schools would violate section 7 of our Enabling Act and section 9 of Article VII of the Constitution of Nebraska.

(1) See, State of Utah v. Kleppe, 586 F.2d 756 (10th Cir. 1978), rev'd on other grounds, 446 U.S. 500 (1980), reh'g denied, 448 U.S. 907 (1980).

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
20-599-8

Opinion No. 89017

DATE: March 16, 1989

SUBJECT: Constitutionality of LB 183, as amended - Open Enrollment Option for Nebraska Public School Students

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning a portion of LB 183, as amended. Generally, LB 183 would provide an "open enrollment" option, allowing the parent or guardian of a student attending public school in Nebraska to apply to enroll the student in any school district in the state. Sections 13 and 14 of the bill, as amended, establish a mechanism to provide financial support to school districts accepting students exercising the option to enroll in a school district other than their resident district. Each resident school district is required to remit to the State Department of Education an amount equal to its annual cost per pupil for each option student attending

school in an option district. The funds received by the State Department of Education are to be remitted to the State Treasurer and credited to the "Option Support Fund." Payments are to be made from the Fund to option districts based upon the annual cost per pupil of each option district. The bill further provides that, in the event that monies available from the Option Support Fund are insufficient to cover payments to option districts based on their annual costs per pupil, the Department of Education is to advise the Legislature of such deficiency and request the Legislature to make an emergency appropriation to make such payments. The specific question you have raised for our consideration concerns whether this funding mechanism violates Article VIII, Section 1A of the Nebraska Constitution, or any other constitutional provision.

Article VIII, Section 1A, provides: "The state shall be prohibited from levying a property tax for state purposes." In construing this constitutional provision, the Nebraska Supreme Court, in State ex rel. Meyer v. Banner County, 196 Neb. 565, 244 N.W.2d 179 (1976), stated the following:

> Article VIII, section 1A, first adopted in 1954, became effective in its present form in 1966. It provides: "The state shall be prohibited from levying a property tax for state purposes." Prior to 1966, there was no income or sales tax, and the principal tax source for the support of state government was a property tax, imposed by a state levy, separate and distinct from the levies imposed by counties, cities, and other political subdivisions. The amendment became effective with the adoption of an income and sales tax by the State in 1966.
>
> The amendment, by its terms, prohibits only the State from levying a property tax, and then only for state purposes. It does not affect the use of property taxes by a county, city, or other local subdivision. Counties, cities, and other taxing subdivisions of state government have traditionally relied and still rely upon property taxes as their major source of revenue. Historically and currently the governmental activities supported by a county property tax at the time the amendment was adopted were and are serving substantial local purposes. The constitutional amendment was not intended to disturb that tax structure nor effect any change in the use of property taxation by any governmental unit except the State itself.

Id. at 567-68, 244 N.W.2d at 181.

Article VII, Section 1 of the Constitution of Nebraska provides, in part, that "{t}he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." In the early case of Affholder v.

State, 51 Neb. 91, 70 N.W. 544 (1897), the Nebraska Supreme Court, discussing the effect of identical language contained in a prior version of the State Constitution, stated: "What methods and what means should be adopted in order to furnish free instruction to the children of the state has been left by the constitution to the legislature." Id. at 93, 70 N.W. at 545.

Historically, the obligation and duty to raise funds for the common schools has been delegated by the Legislature to local school districts by requiring the levy of a tax on property by each county board of equalization for the benefit of the local school districts, in order to provide the funds necessary for public education. Consistent with the decision in State ex rel. Meyer v. Banner County, it is clear that the adoption of Article VIII, Section 1A, was not intended to alter or affect the use of property taxes by a county, city, or other local subdivision which had historically been imposed to support local purposes, which would, in our view, include local property taxes levied to support the education of students in the common schools in accordance with the long-standing tradition of funding compulsory free public education in Nebraska in this manner.

Upon examination of LB 183, as amended, it is apparent that the bill does not alter this historical pattern of local levies on property for purposes of raising funds for public education. No state levy of a tax on property is proposed under the bill which could be construed to contravene Article VIII, Section 1A. Rather, the bill simply provides that some portion of funds raised by levies on property in resident school districts will be sent into a general fund to be distributed by the state to provide reimbursement for costs associated with educating non-resident students attending school in an option district. This funding mechanism in no way alters the local nature of the underlying property tax levies employed to fund public education, and does not result in the imposition of any state tax on property, within the meaning of Article VIII, Section 1A. Accordingly, we conclude that LB 183, as amended, does not violate this constitutional provision.

We do, however, have some concern as to whether this proposed legislation will, in operation, violate constitutional requirements as to uniformity of taxation (Neb. Const., Art. VIII, Section 1 and U.S. Const., amend. XIV), as well as the constitutional prohibition against the commutation of taxes (Neb. Const., Art. VIII, Section 4). In this regard, we note the Nebraska Supreme Court decision in Peterson v. Hancock, 155 Neb. 801, 54 N.W.2d 85 (1952). In Peterson, the court invalidated what was known as the Blanket Mill Tax Levy Act adopted by the Legislature in 1949. In an effort to encourage

consolidation, a four mill levy was required to be levied and held in a special fund. All school districts participated the first year in distribution from the fund but, thereafter, only districts having five or more pupils were to receive distributions from the fund. Residents of districts which had less than five students were required to pay the four mill tax but received no benefits therefrom, and were also required to support their schools from the regular tax levied for their district. Id. at 804-806, 54 N.W.2d at 88-89. In holding the Blanket Mill Tax Levy Act unconstitutional as violative of Article VIII, Section 4, of the Nebraska Constitution, the court stated:

> The only conclusion that can logically be drawn is that districts having less than five pupils are required to pay the blanket levy on all their property into the fund for the sole benefit of districts with five or more pupils. As a result, the regular school district taxes in such districts are thereby released, discharged, or commuted at the expense of districts having less than five pupils, who are required not only to pay the blanket tax levy in full to others without any benefit to them, but also to pay all regular school taxes required to maintain the school in their own respective districts.

Id. at 812, 54 N.W.2d at 92.

In addition, the court in Peterson found the Act to violate Article VIII, Section 1, stating: "{T}he blanket mill levy tax is also discriminatory as one levied upon one district of the county for the exclusive benefit and local purpose of other districts and that it is not levied uniformly and proportionately." Id. at 813-14, 54 N.W.2d at 93.

Furthermore, in a prior decision, High School District v. Lancaster County, 16 Neb. 147, 82 N.W. 380 (1900), the court declared invalid an act which provided that students from a district without a high school were to be admitted to any high school district in the county upon payment of 75 cents a week per pupil to the receiving district by the district from which the students came. The act was challenged on the basis that the payment was arbitrary and violated the constitutional rule of uniformity and the prohibition against commutation of taxes. In declaring the act invalid, the court stated:

> We quite agree with counsel for plaintiff that, under this act, the county is the proper unit of taxation; but we have already shown that, in the event the cost of tuition should exceed or fall below the amount provided by section 3 of the act to be raised by taxing the property of the whole county, it would indirectly violate the rule of uniformity prescribed in section 6 of the article of the constitution named. It would also violate section 4 of said article, as an advantage would accrue to the taxpayers resident in the one

> or the other of the two portions of the county affected thereby, and it would clearly be a commutation of the taxes to be paid by the taxpayers resident in the one or the other of the two localities. It may be true that such commutation would be brought about indirectly, that is, in case the cost of tuition exceeded the amount provided to be paid by the general tax upon the whole county, the taxpayers resident within the school district would be compelled to supply the deficiency by another levy upon the property within such district, whence it would follow that the difference would be a commutation in favor of those portions of the county outside the district; or, in case the cost of tuition should fall below the specified amount, the taxpayers within the limits of the district would profit at the expense of those without its limits; and it is clear that in either event a commutation of taxes would result.

Id. at 819-20, 82 N.W. at 382.

The decisions in Peterson v. Hancock and High School District v. Lancaster County are consistent with other Nebraska cases establishing that it is a violation of constitutional requirements providing for uniformity of taxation and forbidding commutation of taxes to compel taxpayers of one taxing district to pay taxes which are for the sole benefit of citizens in another taxing district. See also Wilkinson v. Lord, 85 Neb. 136, 122 N.W. 699 (1909) Peterson v. Anderson, 100 Neb. 149, 158 N.W. 1055 (1916). An examination of LB 183 reveals that, in operation, this legislation may violate the principle of uniformity of taxation and may result in unlawful commutation of taxes to the extent the taxpayers in option school districts may be compelled to pay additional taxes to support the education of students from outside the option district in the event the option district is not reimbursed the actual cost of providing such education. In this regard, it should be noted that Section 14 of the bill, as amended, provides that if payments made to the Option Support Fund are insufficient to cover payments required to be made to reimburse option districts, the State Department of Education ". . . shall advise the Legislature and request an emergency appropriation to make such payments." (Emphasis added). In the event the Legislature does not grant such a request and appropriate funds to cover any deficiency in the Option Support Fund, it appears inevitable that taxpayers in option districts receiving payments which are insufficient to pay for any increased costs incurred in educating option students will be subjected to increased property tax levies in order to pay for the additional unreimbursed costs incurred by the option district. To the extent taxpayers in option districts may thus be compelled to pay additional taxes to support the education of non-resident students attending school in the option district, such a

situation may violate the principle of uniformity, and may operate to release or discharge taxpayers of the district in which the option student resides from a portion of the tax obligation imposed for the education of students from the resident district. Such a result would conflict with the principle enunciated in Peterson v. Hancock and High School District v. Lancaster County that it is unlawful to compel taxpayers in one district to pay taxes for the benefit of citizens in another taxing district.

In pointing out this potential constitutional defect, we note that we are not suggesting that LB 183, as amended, is unconstitutional on its face. Rather, we draw your attention to this issue to illustrate that, in application, the bill could conceivably operate in violation of certain constitutional provisions in the manner discussed. It should be noted that the constitutionality of an act is not to be determined by what has been or possibly may be done under it, but is to be adjudged by what the law authorizes to be done under and by virtue of its provisions. Bachus v. Swanson, 179 Neb. 1, 136 N.W.2d 189 (1965). Therefore, we believe a serious constitutional question may arise to the extent that the implementation of LB 183, as amended, may result in violations of the constitutional requirement of uniformity of taxation and the prohibition against the commutation of taxes in the event the effect of the bill is to create such a situation in relation to particular school districts impacted by its operation.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-193-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 21, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 1989

Pursuant to adjournment, the Legislature met at 9:06 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Fred Tedder, Central Church of Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack and Withem who were excused; and Messrs. Abboud, Ashford, Chizek, Dierks, Haberman, Hartnett, Hefner, R. Johnson, Korshoj, Kristensen, Lindsay, Lynch, Moore, Morrissey, Mmes. Beck, Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

REPORT

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads for February, 1989.

RESOLUTIONS

LEGISLATIVE RESOLUTION 55. Read. Considered.

LR 55 was adopted with 16 ayes, 0 nays, and 33 not voting.

LEGISLATIVE RESOLUTION 61. Read. Considered.

LR 61 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 62. Read. Considered.

LR 62 was adopted with 25 ayes, 0 nays, and 24 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 52, LR 53, LR 56, LR 59, and LR 60.

MOTION - Place LB 683 on General File

Messrs. Landis, Schellpeper, Goodrich, and Barrett renewed their pending motion, found in the Journal on page 1147, to place LB 683 on General File pursuant to Rule 3 §19.

Mr. Peterson 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 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on the motion to place on General File.

Voting in the affirmative, 28:

Abboud	Byars	Goodrich	Langford	Rogers
Barrett	Chizek	Haberman	Lindsay	Schellpeper
Beck	Conway	Johnson, R.	Lynch	Schimek
Bernard-Stevens	Crosby	Kristensen	McFarland	Scofield
Beyer	Dierks	Labedz	Nelson	Weihing
	Elmer	Landis	Robak	

Voting in the negative, 11:

Ashford	Hannibal	Moore	Smith	Wehrbein
Chambers	Johnson, L.	Schmit	Warner	Wesely
Hall				

Present and not voting, 6:

Coordsen	Hefner	Korshoj	Lamb	Pirsch
Hartnett				

Excused and not voting, 4:

Baack	Morrissey	Peterson	Withem

The Landis et al. motion to place on General File prevailed with 28 ayes, 11 nays, 6 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 258. Placed on General File.

LEGISLATIVE BILL 468. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0977.)

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 456. Placed on General File as amended.
Standing Committee amendment to LB 456:
AM0784

1. On page 2, line 15, after the period insert "The requirements of this section shall not apply to substitute caregivers in day care homes. The director shall adopt and promulgate rules and regulations to implement this section. The rules and regulations shall include, but not be limited to, acceptable methods and courses of training in first aid and cardiopulmonary resuscitation.".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM0953

1. In the E & R amendment, AM5088, strike beginning on page 6, line 5, through "(6)" on page 9, line 10, and insert:

"(i) A business plan, including a description of the applicant and its management, product, and market and the proposed project;

(ii) A statement of the amount, timing, and projected use of the capital required;

(iii) A statement of the potential economic impact of the project, including the number, location, and types of jobs expected to be created; and

(iv) Such other information as the board shall request.

(b) Approval of the investment by the board may be made after the board finds, based upon the application submitted by the applicant and such additional investigation as the staff of the board shall make and incorporate in its minutes, that:

(i) The proceeds of the investment will be used only to facilitate the construction, acquisition, or expansion of facilities of the applicant;

(ii) The project has a reasonable chance of success;

(iii) The board's participation is necessary to the success of the project or its retention in the state;

(iv) The project has the reasonable potential to create employment within the state;

(v) The applicant has already made or is contractually committed to make a substantial financial and time commitment to the project;

(vi) There is a reasonable possibility that the board will recoup at least its initial investment; and

(vii) Binding commitments have been made to the board by the applicant for adequate reporting of financial data to the board which shall include a requirement for an annual report or, if required by the board, an annual audit of the financial and operational

records of the applicant and for such control on the part of the board as shall be considered prudent over the management of the project so as to protect the investment of the board, including, in the discretion of the board and without limitation, the right of access to financial and other records of the applicant relating to the project.

(3) Before an investment is made pursuant to subsection (1) of this section, the applicant shall sign an agreement with the board stating that the funds invested are for capital investment purposes and not for operating expenses.

(4) In carrying out its functions under this section, the board is encouraged to create an investment committee to assist in evaluating potential investments. The membership of this investment committee may include both members and staff of the board and other persons drawn from sources other than the board who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board. Members of the investment committee shall be reimbursed for any reasonable expenses incurred by them in the performance of duties assigned by the board pursuant to sections 81-1174 to 81-1177.

(5) The board shall not make an initial investment in any project in excess of the amount necessary to own more than forty-nine percent of such project. If in the judgment of the board the project is experiencing financial difficulty, a greater percentage of such investment may be acquired by the board.

(6) The board shall adopt procedures to carry out this section and shall provide necessary assistance to applicants to properly and rapidly process investment requests.

(7)".

2. On page 9, line 18, after "facilities" insert ", except that not more than three million dollars shall be used to fund ethanol research and development projects".

Mr. Abboud asked unanimous consent to print the following amendment to LB 597 in the Journal. No objections. So ordered.

AM0985

1. Insert the following new sections:

"Sec. 4. A person in attendance at a meeting of a committee for the ongoing quality of health care assurance program of a preferred provider organization shall not be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or members of such committee. Any person making a report or providing information to a committee for the ongoing quality of health care assurance program of a preferred provider organization upon request of the committee has a privilege to refuse to disclose and to prevent any other person from disclosing the report or information so provided except as provided in this section. The proceedings, minutes, records, and reports of a committee for the ongoing quality of health care assurance program of a preferred provider organization, together with all communications originating in such committee, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless the privilege is waived by the patient and a court of record, after hearing and for a good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications.

A person participating in a committee for the ongoing quality of health care assurance program of a preferred provider organization shall be immune from tort liability for libel, slander, or defamation of character arising out of his or her activity relating to the proceedings, recommendations, evaluations, opinions, investigations, communications, findings, and other activity of the committee if such person acts without malice.

Sec. 5. The Revisor of Statutes shall assign section 4 of this act within sections 44-4101 to 44-4113, and any reference to such sections shall be construed to include section 4 of this act.".

2. Renumber the remaining section accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 228A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Ninety-first Legislature, First Session, 1989.

GENERAL FILE

LEGISLATIVE BILL 77. Title read. Considered.

Standing Committee amendments, AM0011, found in the Journal on page 679 for the Twenty-Fifth Day, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Messrs. Morrissey and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 592. Placed on Select File as amended.
E & R amendments to LB 592:
AM5097

1. On page 1, line 5, strike "an" and strike "classification" and insert "classifications".
2. On page 3, line 5, after the second comma insert "IC, ID," and strike the new matter.

LEGISLATIVE BILL 49A. Placed on Select File.
LEGISLATIVE BILL 231A. Placed on Select File.
LEGISLATIVE BILL 285A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

MOTION - Reconsider Action on LB 262

Mr. Bernard-Stevens moved to reconsider the Baack, Bernard-Stevens, and Conway amendment to LB 262.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 575A. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Ninety-first Legislature, First Session, 1989.

GENERAL FILE

LEGISLATIVE BILL 714. Title read. Considered.

Standing Committee amendments, AM0464, found in the Journal on page 800 for the Thirty-First Day, were considered.

Mr. Hall renewed his pending amendment, AM0748, printed separately from the Journal and referred to on page 1234, to the Standing Committee amendments.

The Hall amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 340A. Placed on Select File.
LEGISLATIVE BILL 378A. Placed on Select File.
LEGISLATIVE BILL 408A. Placed on Select File.

LEGISLATIVE BILL 412A. Placed on Select File.
LEGISLATIVE BILL 574A. Placed on Select File.
LEGISLATIVE BILL 410. Placed on Select File.
LEGISLATIVE BILL 414. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Lincoln High School, Lincoln; Dan Martz from Beatrice; 11 kindergarten through sixth grade students and teacher from Coatsfield; and Les Lawless.

RECESS

At 11:53 a.m., on a motion by Mr. Schellpeper, 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. Baack who was excused; and Messrs. Byars, Chambers, Haberman, Landis, McFarland, Moore, Schmit, Warner, Wesely, Withem, Mmes. Beck, Labedz, Langford, Nelson, Pirsch, Robak, Mses. Schimek, and Scofield who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

March 21, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 326, 334, 440, 489, 516, 556, and 441 were received in my office on March 17, 1989.

These bills were signed by me on March 21, 1989 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM0612

1. Insert the following new section:

"Sec. 11. Whenever a grievance arises pursuant to the Unmarked Human Burial Sites and Skeletal Remains Protection Act, the aggrieved party shall submit to the adverse party documentation describing the nature of the grievance. The aggrieved party and the adverse party shall meet within sixty days of the mailing of the initial grievance and shall either concur or disagree after reviewing the appropriate documentation.

If after such meeting the parties disagree, the aggrieved party may submit a petition, together with supporting documentation, to the office of Public Counsel describing the nature of the grievance. The aggrieved party shall serve a copy of the petition and all supporting documents on the adverse party at the time of filing. The adverse party shall have thirty days to respond to the petition by filing a response and supporting documentation with the office, copies of which shall be served on the aggrieved party by the adverse party at the time of filing the response.

The office of Public Counsel shall review the petition, the response, all supporting documentation submitted by the parties, and other relevant information and shall render a decision in writing within ninety days after the filing of the petition. The final decision shall state the decision and the basis therefor.

The decision of the office of Public Counsel shall be considered final administrative action and may be appealed by either party, and such appeal shall be in accordance with the Administrative Procedure Act.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Standing Committee amendments, AM0451, found in the Journal on page 834 for the Thirty-Second Day, were adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Hall moved to indefinitely postpone LB 371.

Messrs. R. Johnson 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?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Hall motion to indefinitely postpone lost with 1 aye, 23 nays, 20 present and not voting, and 5 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment:
FA82
1. On Page 11, strike from "the" on line 14 through "situated" on line 15.
2. On Page 23, line 13, strike "Nebraska".

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

The Hall amendment lost with 4 ayes, 14 nays, 25 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following amendment:
FA83
Strike Section 20

Mmes. Smith and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Schimek's birthday.

GENERAL FILE

LEGISLATIVE BILL 371. The pending Hall amendment, FA83, found in this day's Journal, was renewed.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford 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 his amendment.

Voting in the affirmative, 12:

Chambers	Hall	Korshoj	Lindsay	Schellpeper
Coordsen	Hannibal	Landis	Morrissey	Wesely
Dierks	Hartnett			

Voting in the negative, 21:

Abboud	Crosby	Johnson, L.	Moore	Robak
Ashford	Elmer	Kristensen	Nelson	Schimek
Barrett	Goodrich	Lamb	Peterson	Warner
Beck	Haberman	Langford	Pirsch	Wehrbein
Byars				

Present and not voting, 8:

Bernard-Stevens	Chizek	Lynch	Rogers	Weihing
	Conway	McFarland	Scofield	

Excused and not voting, 8:

Baack	Hefner	Labedz	Smith	Withem
Beyer	Johnson, R.	Schmit		

The Hall amendment lost with 12 ayes, 21 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 627. Placed on General File.

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM0957

1. Strike the original sections and insert the following new section:

"Section 1. That sections 25-21,195 to 25-21,199, Revised Statutes Supplement, 1988, are repealed.".

LEGISLATIVE BILL 396. Indefinitely postponed.
LEGISLATIVE BILL 512. Indefinitely postponed.
LEGISLATIVE BILL 526. Indefinitely postponed.
LEGISLATIVE BILL 547. Indefinitely postponed.
LEGISLATIVE BILL 712. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 49 in the Journal. No objections. So ordered.

AM0988

1. In the Elmer amendment, FA59, on page 1, line 10, strike "eradication or the"; and in line 11 after "development" insert "or the eradication".

2. In the Standing Committee amendments, AM0652:

a. Insert the following new section:

"Sec. 8. That section 2-956, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-956. The cost of controlling noxious weeds

on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a state department, agency, or commission~~,~~ or ~~board~~ a political subdivision shall be paid by the state department, agency, or commission~~,~~ or ~~board in control thereof~~ the political subdivision out of funds appropriated to or budgeted for its use.";

b. On page 1, line 4, strike "13, and 14" and insert "14, and 15";

c. On page 23, line 7, after "2-2603" insert "and any reimbursement funds for control work done pursuant to subdivision (1)(b)(vi) of section 2-954";

d. On page 25, strike beginning with "Action" in line 18 through line 22;

e. On page 30, line 7, after the third comma insert "2-956,"; and

f. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 371. Mr. Hall offered the following amendment:
FA84

1. On Page 3, line 7, after "any" insert "written" and strike from "whether" on line 8 through "written" on line 9.

PRESIDENT NICHOL PRESIDING

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford 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. Hall requested a record vote on his amendment.

Voting in the affirmative, 14:

Chambers	Hall	Korshoj	Morrissey	Wesely
Chizek	Hannibal	Lindsay	Nelson	Withem
Dierks	Hartnett	Lynch	Pirsch	

Voting in the negative, 17:

Abboud	Coordsen	Johnson, L.	Lamb	Robak
Ashford	Crosby	Johnson, R.	Langford	Warner
Beck	Elmer	Kristensen	Peterson	Weihing
Byars	Haberman			

Present and not voting, 12:

Barrett	Conway	McFarland	Schimek	Smith
Bernard-Stevens	Goodrich	Moore	Scofield	Wehrbein
	Landis	Schellpeper		

Excused and not voting, 6:

Baack	Hefner	Labedz	Rogers	Schmit
Beyer				

The Hall amendment lost with 14 ayes, 17 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following amendment:
FA85

1. On Page 22, line 25, strike "a"

2. On Page 23, line 1, Strike "designated member or"; strike from "required" on line 4 through "be" on line 8 and from "other" on line 9 through line 25.

3. On Page 24, strike lines 1 through 6 and from "is" on line 11 through "member" on line 12; from "when" on line 14 through "member" on line 15, and from "The" on line 19 through the period on line 23.

4. Strike section 7

5. On Page 11, strike lines 2 through 6; on lines 8 and 9, strike "other than to a designated member," and insert "unreasonably".

6. On Page 13, strike from "Consent" on line 11 through line 17.

SPEAKER BARRETT PRESIDING

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

The Hall amendment lost with 8 ayes, 27 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
FA86
1. On Page 8, strike line 25
2. On page 9, strike lines 1 through 3

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. Hall requested a record vote on his amendment.

Voting in the affirmative, 12:

Abboud	Chambers	Landis	Pirsch	Schimek
Bernard-Stevens	Hall	Lindsay	Rogers	Withem
	Korshoj	Lynch		

Voting in the negative, 21:

Ashford	Crosby	Kristensen	Morrissey	Warner
Barrett	Hefner	Lamb	Peterson	Wehrbein
Beck	Johnson, L.	Langford	Schellpeper	Weihing
Byars	Johnson, R.	Moore	Smith	Wesely
Coordsen				

Present and not voting, 12:

Chizek	Elmer	Hannibal	McFarland	Robak
Conway	Goodrich	Hartnett	Nelson	Scofield
Dierks	Haberman			

Excused and not voting, 4:

Baack	Beyer	Labedz	Schmit

The Hall amendment lost with 12 ayes, 21 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:
FA87
1. On page 6, line 12, strike "exclusive"

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hall amendment lost with 7 ayes, 25 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
FA88
Strike the emergency clause.

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Chambers	Korshoj	Lindsay	Rogers
Barrett	Hall	Labedz	Lynch	Wesely
Beck	Hartnett	Landis	Morrissey	Withem

Voting in the negative, 29:

Ashford	Coordsen	Johnson, L.	Moore	Schimek
Bernard-Stevens	Crosby	Johnson, R.	Nelson	Scofield
	Dierks	Kristensen	Peterson	Smith
Byars	Elmer	Lamb	Pirsch	Warner
Chizek	Haberman	Langford	Robak	Wehrbein
Conway	Hannibal	McFarland	Schellpeper	Weihing

Absent and not voting, 2:

Goodrich Hefner

Excused and not voting, 3:

Baack Beyer Schmit

The Hall amendment lost with 15 ayes, 29 nays, 2 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA89
P. 6, line ten, after "written", insert "or oral"

Messrs. R. Johnson and Kristensen 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 lost with 15 ayes, 15 nays, and 19 not voting.

Messrs. Peterson and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment lost with 2 ayes, 23 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

ANNOUNCEMENT

Mr. Hall announced an executive session of the Revenue Committee on Wednesday, March 22nd at 1:15 P.M. in Room 1520.

STANDING COMMITTEE REPORT

Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments to the Boiler Safety Code Advisory Board be confirmed by the Legislature and suggests a record vote.

Robert W. Allen
Raymond O. Farris, P.E.
Robert L. Lundeen
Timothy G. Wentz, P.E.

Vote: Aye: Senators Coordsen, Hefner, Korshoj, Lindsay, Morrissey and Pirsch. Absent: Senator Chambers.

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM0976

(Amendments to Schmit Amendment, FA73)

1. Insert the following new sections:

"Sec. 15. That section 77-27,132, Revised Statutes Supplement, 1988, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under Chapter 66, article 4, the Special Fuel Tax Act, the Tobacco Products Tax Act, and the Nebraska Revenue Act of 1967 and for transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under such provisions. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

(2) The Tax Commissioner shall pay to a

depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then, commencing with all amounts credited on or after October 1, 1989, ~~July 1, 1986, and on or before June 30, 1987,~~ credit to the Highway Trust Fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of ~~three and one-half~~ four percent, ~~, and (c) commencing with all amounts credited on or after July 1, 1987, credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers.~~ ~~The~~ Except as provided in section 2 of the Schmit amendment, FA73, the balance of the amounts so paid shall be credited to the General Fund.

Sec. 16. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1988, are repealed.".

2. Strike the Warner amendment, FA75.

3. Renumber the remaining sections, correct internal references, and insert underscoring as necessary.

Ms. Schimek asked unanimous consent to print the following amendment to LB 250 in the Journal. No objections. So ordered.

AM1001

1. On page 4, line 20, after "board" insert ", except that the board may issue a temporary certificate to any teacher or administrator who is first employed in a Nebraska school after July 1 and who meets all other requirements but has not had an opportunity to take the examinations. The temporary certificate shall be valid only for the ensuing school year and may not be renewed".

Mr. McFarland asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1005

1. On page 7, line 10, after "the" insert "aggregate penal"; and strike beginning with "approved" in line 24 through "or" in line 25.

Mr. Hall asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM0745

(Amendments to Standing Committee amendments, AM0568)

1. Strike section 4.

2. On page 6, strike beginning with "Changes" in line 23 through line 24 and insert "For taxable years 1987 and 1988 only, taxpayers claiming credits under section 77-27,188 shall qualify for credits to the extent allowed either under the provisions of this section as it existed after the passage of Laws 1987, LB 270, or as amended by Legislative Bill 335, Ninety-first Legislature, First Session, 1989.".

3. On page 7, strike lines 1 through 5; in line 6 strike "4, 5, 6, and 7" and insert "4, 5, and 6"; in line 14 strike "sections 77-27,190 and" and insert "section"; and in line 15 strike "are" and insert "is".

4. Renumber remaining sections accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 811 in the Journal. No objections. So ordered.

AM1002

1. On page 3, strike lines 6 through 14 and insert:

"Claim No. 027, against the Department of Correctional Services, pay to Barbara Shaw, c/o Thom Cope, Attorney, 211 No. 12th St., Suite 400, Lincoln, Nebraska, 68508, out of the Department of Correctional Services
Facility Cash Fund 1,000.00".

VISITORS

Visitors to the Chamber were 34 fourth grade students and teachers from Yutan Elementary.

ADJOURNMENT

At 5:00 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 22, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Edie Rhoades, East Lincoln Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Byars, Goodrich, Haberman, Hall, Hartnett, R. Johnson, Kristensen, Lamb, Landis, Moore, Morrissey, Schmit, Mmes. Labedz, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

PROPOSED RULE CHANGE

Mr. Hefner asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 5, Section 4(d) to read as follows:

(d) Individual members shall ~~not~~ be limited ~~as to bill introduction.~~ to introducing no more than 10 bills in a ninety day

session and no more than 5 bills in a sixty day session. Each committee shall be limited to ~~8 bills each session.~~ introducing no more than 2 bills in a ninety day session and no more than 1 bill for a sixty day 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.

Referred to the Rules Committee.

ATTORNEY GENERAL'S OPINION

Opinion No. 89018

DATE: March 20, 1989

SUBJECT: LR 2CA - Proposed Constitutional Amendment to Except Agricultural Land from the Uniformity Requirement

REQUESTED BY: Senator Rod Johnson
Nebraska State Legislature

WRITTEN: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on several questions relating to LR 2CA. Generally, this proposed constitutional amendment would amend Article VIII, Section 1, of the Nebraska Constitution, to permit the Legislature to establish agricultural and horticultural land as a separate and distinct class of property for tax purposes which may be excepted from the uniformity requirement contained in this constitutional provision. Specifically, the bill would amend Article VIII, Section 1, to provide, in pertinent part, as follows:

> 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:
>
> * * *

(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 and horticultural land.

As you note in your request letter, some of the questions you have asked concerning this proposed amendment were addressed in an opinion issued by this office during the previous legislative session discussing the provisions of LR 249CA. Attorney General Opinion No. 88027, March 25, 1988. While the amendments and issues presented are similar, we will nevertheless endeavor to specifically address each of your present questions involving LR 2CA.

QUESTION NO. 1: Is it constitutionally permissible to classify agricultural and horticultural land as a separate and distinct class of property for tax purposes, and to use a method to determine the value of agricultural and horticultural property for tax purposes which is different from that used for other taxable property?

RESPONSE: In Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 411 N.W.2d 35 (1987) {"Banner County"}, 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 of taxation in relation to all other tangible property, as mandated by Article VIII, Section 1, of the Nebraska Constitution. The court specifically noted that amendment four permitted ". . . agricultural property to be treated as a separate class for purposes of property tax." Id. at 252, 411 N.W.2d at 45. In discussing the effect of this amendment, the court noted that the language of amendment four, while permitting the Legislature to separately classify agricultural and horticultural land for tax purposes, did not eliminate the requirement of uniformity of taxation of such property in relation to other tangible property. In this regard, the court stated:

> The uniformity clause requires that all tangible property be taxed uniformly and proportionately, while amendment four merely permits the Legislature to place agricultural land in a separate class for tax purposes, permitting the valuation of such land by a different method. . . . {A}mendment 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.

Id. at 253, 411 N.W.2d at 46.

Accordingly, it is apparent that the court's decision in Banner County should not be construed as precluding the separate classification of agricultural land for tax purposes; rather, the opinion reveals the court did not view the language of amendment four as indicative of an intent to eliminate the requirement of uniformity in relation to the taxation and valuation of agricultural land and all other tangible property. The question which remains, then, is whether, if agricultural land is established as a separate and distinct class of property for tax purposes, it is constitutionally permissible to value and tax such property in a manner different than that employed to value other property subjected to taxation.

In Banner County, the court indicated some concern 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 United States 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 agricultural land and owners of other real property, the court may conclude that such disparate treatment would violate the guarantees of due process and equal protection of the law under the federal constitution.

Various 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). Indeed, this principle was reaffirmed in the recent United States Supreme Court decision in Allegheny Pittsburgh Coal Co. v. County Commission of Webster County, 488 U.S. ____, 102 L.Ed.2d 688, 109 S.Ct. 633, (1989), in which the Court stated the following:

> The States, of course, have broad powers to impose and collect taxes. A State may divide different kinds of property into classes and assign to each class a different tax burden so long as those divisions and burdens are reasonable. Allied Stores, supra, at 526-527 ("The State may impose different specific taxes upon

different trades and professions and may vary the rate of excise upon various products"). It might, for example, decide to tax property held by corporations, including petitioners, at a different rate than property held by individuals. See Lehnhausen v. Lake Shore Auto Parts Co., 410 U.S. 356 (1973) (Illinois ad valorem tax on personalty of corporations.) In each case, "{i}f the selection or classification is neither capricious nor arbitrary, and rests upon some reasonable consideration of difference or policy, there is no denial of the equal protection of the law." Brown-Forman Co. v. Kentucky , 217 U.S. 563, 573 (1910).

Id. at _____, 102 L.Ed.2d at 697-98, 109 S.Ct. at 638. (Footnote omitted).

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 the 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, 849 n. 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, 315 n. 9 (1985). Specifically, the validity of providing different tax treatment for agricultural property has been upheld against challenges brought on equal protection grounds. See, e.g., Weisinger v. White, 733 F.2d 802 (11th Cir. 1984); Great Northern Ry. Co. v. Whitfield, 65 S.D. 173, 272 N.W. 787 (1937); See Comment, Preferential Assessment of Agricultural Property in South Dakota, 22 S.D.L.Rev. 632 (1977) See generally Annot, 98 A.L.R.3d 916, 928-29 (1980).

The general rule regarding the validity of providing special treatment of agricultural land for tax purposes is stated in 3 Am.Jur.2d Agriculture §9 (1986) as follows:

In an agricultural state it is reasonable for the legislature to offer inducements to agriculture through tax laws. Although it is generally held, in jurisdictions with constitutions that require taxes to be uniform, that an exemption of agricultural land from taxation results in an unconstitutional discrimination, if a separate classification of agricultural lands for tax purposes is not prohibited, or if it is specifically authorized by constitutional provisions, land devoted to agricultural purposes may properly be given the benefit of a lighter tax burden than that imposed on

other land or even exempted altogether from certain taxes. Among other reasons, the state's power to offer inducements to agriculture and to improve a depressed economic condition of that industry is held to justify the discrimination in favor of agricultural lands.

Furthermore, it has been suggested that different or preferential tax treatment of agricultural land is justified based on the unique nature of agri-business and concern over land use and the environment. In particular, the high-risk character and high outlay, low income nature of farming provides a valid and rational basis for establishing protective tax treatment for agricultural land, especially in a state like Nebraska, where agriculture is the principle industry in the state. Comment, Nebraska's "Mysterious" New Tax Valuation System: LB 271, the Agricultural Land Valuation Law, 19 Creighton L.Rev. 623, 628 (1986).

In Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974), the Nebraska Supreme Court, in upholding the validity of legislation granting preferential treatment with respect to the taxation of personal property used in agricultural production, reiterated the general rule that it is competent for the Legislature to classify property for purposes of taxation, 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 requirement of equal protection guaranteed under the federal constitution.

As was noted, Sioux City Bridge Co. v. Dakota County 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 2CA, however, would allow the Legislature to specifically except agricultural land from the general uniformity requirement. Under such circumstances, the appropriate question to consider in analyzing the impact of the equal protection clause with regard to any disparate treatment which may result in the valuation and taxation of agricultural land in comparison to other real property concerns whether a rational basis exists to justify a difference in tax treatment of these types of property. In light of the above-cited authority, we believe that the separate classification, valuation, and taxation of agricultural land in a manner which differs from the tax treatment of other property does not, per se, violate the due process or equal protection clauses of the federal constitution.

QUESTION NO. 2: Does the language of LR 2CA establish a separate and distinct class or property for agricultural and horticultural land, or does it merely establish a subclass of tangible property? In the event that the language of LR 2CA establishes a separate class of property for agricultural and horticultural land, taxed in a manner which results in values which are not uniform in relation to other property, does the language of the proposed amendment remove agricultural and horticultural land from the constitutional requirement that all taxes be levied by valuation uniformly and proportionately in relation to all other tangible property?

RESPONSE: An examination of the amendment to Article VIII, Section 1, of the Nebraska Constitution, proposed under LR 2CA, reveals the amendment will not, in and of itself, result in the removal of agricultural land from the uniformity requirement. Rather, the proposed amendment provides the Legislature may establish agricultural and horticultural land as a separate class of property for tax purposes, and that agricultural and horticultural land may be valued and taxed in a manner which is not uniform with "other classes"(1) of property. To the extent that the amendment would permit the Legislature to act in this regard, it appears the language of LR 2CA is sufficient to enable the Legislature to classify agricultural and horticultural land separately from other property, and to value such property in a non-uniform or different manner than other property for tax purposes.

QUESTION NO. 3: Does the language of LR 2CA eliminate any requirement that taxes on agricultural and horticultural property be levied by valuation uniformly and proportionately, and, if so, is it constitutionally permissible for the proposed amendment to permit non-uniform tax treatment of property within the class of agricultural and horticultural property?

RESPONSE: Initially, as previously noted, it seems the plain meaning of the proposed amendment would allow the Legislature to eliminate any requirement that taxes on agricultural and horticultural property be levied in a manner which is uniform with other tangible property. In the event the Legislature were to act pursuant to an amendment such as LR 2CA (removing any requirement as to uniformity by enacting a statutory classification of property consistent with such an amendment), it is evident that the same concerns expressed in Attorney General Opinion No. 88027, March 25, 1988, regarding the rationality and reasonableness of such legislation, would provide the basis for a challenge as to the constitutionality of legislation eliminating any requirement of uniform or equal treatment within the agricultural land classification.

As stated in our previous opinion, we cannot readily discern any rational basis upon which different tax treatment of various "subclasses" of agricultural property may be supported. Accordingly, we cannot say that any disparity in taxation which may result from the elimination of any requirement of uniform or equal treatment in the taxation of subclasses of agricultural land could withstand constitutional attack on equal protection grounds.

(1) While it seems that the use of the term "other classes" in this regard is meant to refer to all other property outside the agricultural class which would remain subject to the uniformity requirement in Article VIII, Section 1, the provision of language clarifying such an intent may be advisable to clearly reflect this purpose.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-101-13

MOTION - Approve Appointment

Mr. Bernard-Stevens 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 1214: Ruth Ann Connell - Hall of Fame Commission.

Voting in the affirmative, 25:

Barrett	Chizek	Elmer	Peterson	Smith
Beck	Conway	Hefner	Pirsch	Warner
Bernard-Stevens	Coordsen	Johnson, L.	Schellpeper	Weihing
	Crosby	Korshoj	Schimek	Wesely
Beyer	Dierks	McFarland	Scofield	Withem
Chambers				

Voting in the negative, 0.

Present and not voting, 7:

Hannibal	Langford	Lindsay	Lynch	Nelson

Rogers Wehrbein

Excused and not voting, 17:

Abboud	Goodrich	Johnson, R.	Lamb	Morrissey
Ashford	Haberman	Kristensen	Landis	Robak
Baack	Hall	Labedz	Moore	Schmit
Byars	Hartnett			

The appointment was confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 55, LR 61, and LR 62.

PROPOSED RULE CHANGE

Mr. Lynch renewed the Select Committee Report, found in the Journal on page 1145, for the Wesely proposed rule change, found in the Journal on page 848.

The Wesely proposed rule change was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 89. Considered.

The Schmit pending amendment, FA73, found in the Journal on page 1192, and considered on page 1210, was renewed.

Mr. Schmit offered the following amendment to the pending Schmit amendment:
FA90
to strike the Withem amendment and to strike beginning with "Salary" through "account" and insert "Educational Excellence Fund and the School Foundation and Equalization Fund".

The Schmit amendment was adopted with 16 ayes, 1 nay, 24 present and not voting, and 8 excused and not voting.

Mr. Chambers renewed his pending amendment, AM0976, found in the Journal on page 1269, to the pending Schmit amendment.

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.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Baack	Conway	Kristensen	Lindsay	Pirsch
Beck	Hall	Labedz	McFarland	Smith
Chambers	Korshoj	Landis	Morrissey	Wesely
Chizek				

Voting in the negative, 26:

Ashford	Elmer	Johnson, L.	Nelson	Scofield
Barrett	Haberman	Lamb	Peterson	Warner
Beyer	Hannibal	Langford	Rogers	Wehrbein
Coordsen	Hartnett	Lynch	Schellpeper	Weihing
Crosby	Hefner	Moore	Schmit	Withem
Dierks				

Present and not voting, 4:

Bernard-Stevens	Johnson, R.	Robak	Schimek

Absent and not voting, 1:

Goodrich

Excused and not voting, 2:

Abboud Byars

The Chambers amendment lost with 16 ayes, 26 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Withem offered the following amendment to the pending Schmit amendment:
FA91
to amend the Schmit amendment FA73 by striking "four" and insert "four and one half" and strike "one percent" and insert "one half of one per cent"

Mr. Withem withdrew his pending amendment.

Mr. McFarland requested a ruling of the Chair on whether the pending Schmit amendment, FA73, is germane to the bill.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Schmit amendment is germane to the bill.

Mr. McFarland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote on the McFarland motion to overrule the Chair.

Voting in the affirmative, 8:

Ashford	Crosby	Hartnett	McFarland	Morrissey
Baack	Hall	Korshoj		

Voting in the negative, 34:

Beck	Dierks	Hefner	Lamb	Moore
Beyer	Elmer	Johnson, L.	Landis	Nelson
Chambers	Goodrich	Johnson, R.	Langford	Peterson
Chizek	Haberman	Kristensen	Lindsay	Pirsch
Conway	Hannibal	Labedz	Lynch	Robak

Rogers	Schmit	Warner	Weihing	Withem
Schellpeper	Scofield	Wehrbein	Wesely	

Present and not voting, 4:

Barrett	Bernard-Stevens	Schimek	Smith

Excused and not voting, 3:

Abboud	Byars	Coordsen

The McFarland motion to overrule the Chair lost with 8 ayes, 34 nays, 4 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Withem offered the following amendment to the pending Schmit amendment:
FA92

In (1) of the Schmit amendment, strike "Five" and insert "Four and one half"

Strike (2) of the Schmit amendment and insert: "there shall be deposited in the Educational Excellence Fund an amount equal to the proceeds of one-half of one per cent of the Sales Tax."

SPEAKER BARRETT PRESIDING

Mr. Hall 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, 3 nays, and 21 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baack	Chizek	Johnson, R.	Lynch	Schimek
Bernard-Stevens	Goodrich	Kristensen	McFarland	Scofield
Chambers	Hannibal	Landis	Moore	Wesely
	Hartnett	Lindsay	Morrissey	Withem

Voting in the negative, 24:

Barrett	Dierks	Korshoj	Peterson	Schmit
Beck	Elmer	Labedz	Pirsch	Smith
Beyer	Haberman	Lamb	Robak	Wehrbein
Conway	Hefner	Langford	Rogers	Weihing
Crosby	Johnson, L.	Nelson	Schellpeper	

Present and not voting, 2:

Ashford Warner

Excused and not voting, 4:

Abboud Byars Coordsen Hall

The Withem amendment lost with 19 ayes, 24 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Warner moved to reconsider the Withem amendment to the Schmit amendment to LB 89.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner withdrew his pending motion to reconsider.

The pending Schmit amendment, FA73, as amended, was considered.

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. 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, 17:

Baack	Johnson, L.	Lynch	Schmit	Warner
Beyer	Korshoj	Nelson	Scofield	Wehrbein
Conway	Labedz	Schellpeper	Smith	Weihing
Elmer	Langford			

Voting in the negative, 23:

Ashford	Chambers	Hartnett	Landis	Robak
Barrett	Chizek	Hefner	Lindsay	Rogers
Beck	Dierks	Johnson, R.	McFarland	Wesely
Bernard-Stevens	Goodrich	Kristensen	Moore	Withem
	Hannibal	Lamb	Morrissey	

Present and not voting, 4:

Crosby	Peterson	Pirsch	Schimek

Excused and not voting, 5:

Abboud	Byars	Coordsen	Haberman	Hall

The Schmit amendment, as amended, lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 343A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, Ninety-first Legislature, First Session, 1989.

PROPOSED RULE CHANGE

Mr. Hall asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 3(d):
(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 purposes than that of the original bill to which it is proposed.~~

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 367. Placed on General File as amended.
Standing Committee amendment to LB 367:
AM0773

1. Strike original section 1 and insert the following new section:

"Section 1. That section 48-145.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-145.01. (1) Any employer required to secure the payment of compensation under the Nebraska Workers' Compensation Act who:

(a) Fails to secure the payment of such compensation shall be guilty of a Class IV misdemeanor; or

(b) Willfully ~~willfully~~ fails to secure the payment of such compensation shall be guilty of a Class I misdemeanor.

(2) In any case when the employer is a corporation, any officer or employee of the corporation who had authority to secure payment of compensation on behalf of the corporation and:

(a) Failed to do so shall be individually guilty of a Class IV misdemeanor; or

(b) Willfully ~~willfully~~ failed to do so shall be individually guilty of a Class I misdemeanor.

Such ~~and such~~ officer or employee shall be

personally liable jointly and severally with such corporation for any compensation which may accrue under the Nebraska Workers' Compensation Act in respect to any injury which may occur to any employee of such corporation while it shall so fail to secure the payment of compensation as required by section 48-145.

(3) If an employer who is subject to the Nebraska Workers' Compensation Act does not carry workers' compensation insurance nor qualify as a self-insurer, he or she may also be enjoined from doing business in this state until he or she complies with subdivision (1) of section 48-145. If a temporary injunction is granted at the request of the State of Nebraska, no bond shall be required to make the injunction effective.".

(Signed) George Coordsen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 409. Placed on General File.
LEGISLATIVE BILL 508. Placed on General File.
LEGISLATIVE BILL 722. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File as amended.
Standing Committee amendment to LB 139:
AM0997

1. On page 9, line 12, after "standards" insert "and minimum standards".

LEGISLATIVE BILL 164. Placed on General File as amended.
Standing Committee amendment to LB 164:
AM0933

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-815.21, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.21. The intent and purpose of sections 81-815.21 to ~~81-815.35~~ 81-815.33 is to provide for the development and administration of a balanced state park system, including the Joslyn Castle complex and the grounds on which it is located in Omaha, Nebraska, and

to provide nonurban park areas for the inspiration, recreation, and enjoyment primarily of resident populations.

It is the intent of the Legislature that the Joslyn Castle complex and the grounds on which it is located be preserved in perpetuity as a historical structure and be open to the public on a permanent basis for inspirational, recreational, educational, and other purposes consistent with sections 81-815.21 to 81-815.33.

Sec. 2. That original section 81-815.21, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 663. Placed on General File as amended.
Standing Committee amendments to LB 663:
AM0830

1. On page 2, line 1, strike "15" and insert "14"; and in line 8 strike "13" and insert "12".

2. On page 3, line 9, after "subdivisions" and insert "and nonprofit organizations".

3. On page 4, line 15, strike "are not eligible for" and insert "do not require".

4. On page 5, lines 5 and 20, after "counties" insert "or nonprofit organizations"; and in lines 13, 17, and 24 after "county" insert "or nonprofit organization"; and in line 22 after "Counties" insert "or nonprofit organizations".

5. On page 6, line 1, after "counties" insert "or, in the case of nonprofit organizations, with other nonprofit organizations"; in line 4 after "counties" insert "or nonprofit organizations"; in line 7 after "county" insert "or nonprofit organization"; and in line 9 after the period insert "In the case of nonprofit organizations, after approval of the plan by the committee, the nonprofit organization may receive money for the operation of the plan by notifying the committee in the form of a resolution by the board of directors of the nonprofit organization.".

6. On page 7, line 1, after "county" insert "or nonprofit organization"; in line 11 after "counties" insert "or nonprofit organizations"; in line 17 after "agency" insert "or the individual"; and in line 19 strike "An" and insert "For participating counties, an".

7. On page 8, line 1, strike the first "or" and insert an underscored comma and after "local" insert ", or privately provided"; in line 2 strike "The" and insert "For participating counties, the"; and in lines 8, 19, and 23 after "county" insert "or nonprofit organization".

8. On page 9, lines 5, 10, and 12, after "county" insert "or nonprofit organization"; in line 7 after "board" insert "or, in the case of a nonprofit organization, a resolution of its board of directors"; and in line 17 after "counties" insert "or nonprofit organizations".

9. On page 10, line 3, after "county's" insert "or nonprofit organization's"; in line 6 after "county" insert "or nonprofit organization"; in line 16 after "Counties" insert "or nonprofit organizations"; and in line 20 after "counties" insert "or nonprofit organizations".

10. On page 11, line 3, after "county" insert "or nonprofit organization"; in line 8, strike "15" and insert "14"; and in line 19 after "provide" insert "nonrestrictive".

11. On page 12, line 8, after "counties" insert "or nonprofit organizations"; and in lines 11, 12, 17, and 20 after "county" insert "or nonprofit organization".

12. On page 13, line 19, after the period insert "Other members may include a representative of a private social service agency, a community volunteer service organization, a business organization, a child advocacy organization, and parents.".

13. Strike original sections 11 and 16.

14. On page 17, line 11, after the first comma insert "nonprofit organizations receiving funds under the act,".

15. On page 23, line 19, strike "sections 43-258 and" and insert "section"; and in line 20 strike "are" and insert "is".

16. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 253. Indefinitely postponed.
LEGISLATIVE BILL 291. Indefinitely postponed.
LEGISLATIVE BILL 448. Indefinitely postponed.

LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 500. indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 325. No objections. So ordered.

VISITORS

Visitors to the Chamber were 56 fourth grade students and teachers from Linden Elementary School, Fremont; and 6 fifth, seventh, and eighth grade students and sponsor from Hemingford.

RECESS

At 12:14 a.m., on a motion by Mr. Kristensen, 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. Baack, Bernard-Stevens, Byars, Haberman, Hartnett, Hefner, Lamb, Landis, McFarland, Rogers, Schmit, Mmes. Beck, Langford, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 77. Placed on Select File as amended.
E & R amendments to LB 77:
AM5098

1. For purposes of correlation with section 2 of Legislative Bill 326:
   a. Strike amendments 1 and 2 of the Standing Committee amendments, AM0011;
   b. Insert the following new section:

"Section 1. That section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

81-8,239.01. (1) For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska. The program ~~, which~~ shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and to establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and to authorize payment for such purchase out of the appropriate funds created by sections 44-1630 and 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 44-1622, 44-1623, ~~and~~ 44-1630, and 81-8,239.05 and section 1 of this act;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and ~~the University of Nebraska; and~~

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of sections 11-201, 11-201.01, 11-202, 11-203, 13-911, 25-2165, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and to make appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager."; and

c. On page 1, line 4; and page 7, line 16, after "1943" insert ", and section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989".

2. On page 1, line 4, after "to" insert "change and"; and in line 6 strike "certain" and insert "awards, settlements, and associated".

3. On page 4, line 7, after "bonds" insert an underscored comma; and in line 9 strike the comma.

4. On page 6, line 4, after "or" insert "of whom".

5. On page 7, line 13, after "costs" insert an underscored comma.

LEGISLATIVE BILL 714. Placed on Select File as amended.
E & R amendments to LB 714:
AM5099

1. In the Hall amendment, AM0748:

a. On page 2, line 2, strike the comma and show as stricken; and in line 12 strike the comma;

b. On page 3, line 8, after the first "of" insert "this" and strike "of this"; in line 9 strike "section"; and in line 21 strike "section" and insert "subdivision";

c. On page 4, line 17, strike "section" and insert "subdivision";

d. On page 5, line 4, strike "such" and show as stricken and strike "as", show as stricken, and insert "adopted and promulgated by"; and in line 5 strike "may", show as stricken, and insert an underscored comma, strike the new matter, and strike the comma and show as stricken;

e. On page 18, line 11, strike the second "the" and insert "an";

f. On page 26, line 11, strike "or" and insert ", to"; and in line 14 after "section" insert an underscored comma; and

g. On page 30, line 16, strike the new matter; and in line 17 after "property" insert "or the withdrawal of tangible personal property from inventory for incorporation".

2. On page 1, line 2, strike "section" and insert "sections 77-2701 and"; strike beginning with "change" in line 3 through the second "and" in line 4 and insert "redefine terms; to authorize contractors and repairpersons to elect a method of taxation; to prohibit the inclusion of certain amounts in deficiency determinations; to harmonize provisions;"; and in line 5 strike "section" and insert "sections; and to declare an emergency".

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 89. Mr. Chambers offered the following amendment:
FA93
Add new section
"There is hereby created a tax of 10% in addition to any sales tax on any firearm sold in this state and all proceeds from such tax shall be deposited in the Property Tax Relief Account."

Mr. Korshoj requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is germane to the bill.

The Chambers amendment lost with 7 ayes, 15 nays, 14 present and not voting, and 13 excused and not voting.

Mr. Moore offered the following amendment:
AM1029
1. On page 4, strike beginning with "The" in line 15 through "teacher" in line 24 and all amendments thereto and insert "The distribution of funds pursuant to subsections (2) and (3) of this section shall be known as Phase I of the Educational Excellence Program".
2. On page 3, line 1; page 5, lines 3, 5, 11, 12, and 16; and page 6, line 4, strike "minimum".

Mr. Moore withdrew his pending amendment.

Mr. Moore offered the following amendment:
FA94
Strike all original section and insert new section 1
Sec. 1
There is hereby appropriated $20,000,000 from the General Fund for the period July 1 1989, to June 30 1990 and $20,000,000 from the General Fund for the period July 1 1990 to June 30, 1991, to the School Foundation and Equalization Fund for State Aid to Education.

Mr. Ashford offered the following amendment to the pending Moore amendment:
FA95
80% of 20 million must go to teacher salaries

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. Ashford moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford	Elmer	Korshoj	Moore	Pirsch
Beyer	Hall	Labedz	Morrissey	Schellpeper
Conway	Hefner	Lindsay	Nelson	Weihing
Coordsen	Johnson, L.	McFarland	Peterson	

Voting in the negative, 24:

Abboud	Byars	Hartnett	Lynch	Smith
Barrett	Chizek	Johnson, R.	Rogers	Warner
Beck	Crosby	Kristensen	Schimek	Wehrbein
Bernard-Stevens	Dierks	Lamb	Schmit	Wesely
	Goodrich	Landis	Scofield	Withem

Present and not voting, 4:

Chambers	Haberman	Hannibal	Robak

Excused and not voting, 2:

Baack	Langford

The Ashford amendment lost with 19 ayes, 24 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Beyer	Hefner	Lamb	Peterson	Smith
Coordsen	Johnson, L.	Moore	Pirsch	Weihing
Elmer	Korshoj	Nelson	Schellpeper	

Voting in the negative, 28:

Abboud	Chizek	Hannibal	Lynch	Scofield
Ashford	Crosby	Hartnett	McFarland	Warner
Barrett	Dierks	Johnson, R.	Morrissey	Wehrbein
Beck	Goodrich	Labedz	Rogers	Wesely
Bernard-Stevens	Haberman	Landis	Schimek	Withem
	Hall	Lindsay	Schmit	

Present and not voting, 4:

Byars	Chambers	Conway	Robak

Excused and not voting, 3:

Baack	Kristensen	Langford

The Moore amendment lost with 14 ayes, 28 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers withdrew his pending amendment, FA78, found in the Journal on page 1216.

Mr. Schellpeper 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. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Chizek	Hartnett	Lindsay	Schimek
Baack	Conway	Johnson, R.	Lynch	Wehrbein
Bernard-Stevens	Crosby	Korshoj	McFarland	Weihing
Beyer	Goodrich	Kristensen	Morrissey	Wesely
Byars	Haberman	Labedz	Pirsch	Withem
	Hall	Landis	Robak	

Voting in the negative, 17:

Abboud	Elmer	Lamb	Peterson	Scofield
Barrett	Hannibal	Moore	Rogers	Smith
Coordsen	Hefner	Nelson	Schmit	Warner
Dierks	Johnson, L.			

Present and not voting, 2:

Beck Chambers

Excused and not voting, 2:

Langford Schellpeper

Advanced to E & R for Review with 28 ayes, 17 nays, 2 present and not voting, and 2 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 89A. Title read. Considered.

Mr. Lynch renewed his pending amendment, AM0902, found in the Journal on page 1160.

The Lynch amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 810. Placed on General File as amended.
Standing Committee amendment to LB 810:
AM1015

1. On page 3, strike lines 12 through 14.

LEGISLATIVE BILL 811. Placed on General File as amended.
Standing Committee amendments to LB 811:
AM1016

1. On page 5, after line 25 insert:
Claim No. 118, against the Department of Motor Vehicles, Robert R. Reisser, Jr., 2510 Westside Ave., Norfolk, Nebraska, 68701 30.00".
2. On page 6, line 20, strike "$299,938.37" and insert "$299,968.37".

(Signed) George Coordsen, Chairperson

SELECT FILE

LEGISLATIVE BILL 183A. Messrs. Withem, Bernard-Stevens, and Baack offered the following amendment:
AM0952

1. Insert the following new section:
"Sec. 2. There is hereby appropriated $25,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 183, Ninety-first Legislature, First Session, 1989.
No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".
2. On page 2, line 2, strike "$71,625" and insert "$15,000"; in line 3 strike "$55,400" and insert "$36,000"; and strike beginning with "$20,973" in line 10 through "or" in line 11.

The Withem-Bernard-Stevens-Baack amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendment, AM5083, found in the Journal on page 1034 for the Forty-Third Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 54. E & R amendments, AM5091, found in the Journal on page 1066 for the Forty-Fourth Day, were adopted.

Mr. Wehrbein renewed his pending amendment, AM0870, found in the Journal on page 1140.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Korshoj renewed his pending amendment, AM0908, found in the Journal on page 1169.

Mr. Korshoj withdrew his pending amendment.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Weihing moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Weihing requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Dierks	Kristensen	Moore	Smith
Barrett	Goodrich	Landis	Nelson	Warner
Beck	Hall	Lindsay	Peterson	Wehrbein
Byars	Hartnett	Lynch	Robak	Weihing
Chambers	Hefner	McFarland	Scofield	Wesely

Voting in the negative, 15:

Abboud	Conway	Elmer	Korshoj	Morrissey
Bernard-Stevens	Coordsen	Haberman	Lamb	Rogers
Beyer	Crosby	Johnson, R.	Langford	Schellpeper

Present and not voting, 6:

Ashford Hannibal Johnson, L. Schimek Withem
Chizek

Absent and not voting, 1:

Labedz

Excused and not voting, 2:

Pirsch Schmit

Advanced to E & R for Engrossment with 25 ayes, 15 nays, 6 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 49. E & R amendments, AM5094, found in the Journal on page 1188 for the Forty-Seventh Day, were adopted.

Mr. Dierks renewed his pending amendment, AM0988, found in the Journal on page 1263.

Mr. Elmer offered the following amendment to the pending Dierks amendment:
FA96
on line 13 strike the first "or", reinstate the third comma and the word "board", and add the word "or" before the word "a";
on line 15 strike the first "or" and reinstate the second comma and the words "board in control thereof" and add the word "or" before the word "the";
on line 16 after the word "to" add the following "the state department, agency, commission, or board";
on line 17 after the word "budgeted" add "by a political subdivision".

The Elmer amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The Dierks amendment, as amended, 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 49A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 132. E & R amendments, AM5084, found in the Journal on page 1035 for the Forty-Third Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 379. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 46. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 388. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 145. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237. E & R amendments, AM5087, found in the Journal on page 1064 for the Forty-Fourth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 418. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. E & R amendments, AM5089, found in the Journal on page 1065 for the Forty-Fourth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449. E & R amendment, AM5085, found in the Journal on page 1066 for the Forty-Fourth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449A. E & R amendment, AM5086, found in the Journal on page 1066 for the Forty-Fourth Day, was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1027

1. On page 12, after line 21, insert the following new paragraph:

"Any person who knowingly and intentionally violates any provision of this section shall be guilty of a Class III misdemeanor.".

Mr. Withem asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1013

1. On page 9, line 1, after the first comma insert "audited" and after "or" insert "audited".

Mr. Withem asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendment, AM0554)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1012.)

VISITORS

Visitors to the Chamber were Mary Ann and David Beckman, from Omaha; seven high school students, teacher, and sponsor from Winnebago; and Jimmy Beaird from Oregon and Helen Hubka from Lincoln.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Korshoj, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 23, 1989

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - MARCH 23, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Charles Tyler, Allen Chapel, African Methodist Evangelical Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bernard-Stevens, Byars, Conway, Hall, Hannibal, Hartnett, R. Johnson, Landis, Morrissey, Rogers, Schmit, Wehrbein, Withem, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay and Morrissey asked unanimous consent to print the following amendment to LB 810 in the Journal. No objections. So ordered.

AM1017
(Amendments to the Standing Committee amendments, AM1015)
1. Insert the following new amendment:
"2. On page 4, strike lines 1 through 3.".

Messrs. Lindsay and Morrissey asked unanimous consent to print the following amendment to LB 811 in the Journal. No objections. So ordered.

AM1023
(Amendments to Standing Committee amendments, AM1016)
1. Insert the following new amendment:
"1. On page 4, after line 7 insert:
'Claim No. 047, against the Department of Social Services, Cynthia J. Glidden, 5200 Vine St., Lincoln, Nebraska, 69505 250.00'.".
2. On page 1, line 6, strike "$299,968.37" and insert "300,218.37".
3. Renumber the remaining amendments accordingly.

MOTION - Approve Appointments

Mr. Coordsen moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 1269: Robert W. Allen, Raymond O. Farris, P.E., Robert L. Lundeen, and Timothy G. Wentz, P.E. - Boiler Safety Code Advisory Board.

Voting in the affirmative, 32:

Abboud	Crosby	Korshoj	McFarland	Schimek
Baack	Dierks	Kristensen	Nelson	Scofield
Barrett	Elmer	Landis	Pirsch	Smith
Beyer	Goodrich	Langford	Robak	Warner
Byars	Haberman	Lindsay	Rogers	Weihing
Chizek	Hefner	Lynch	Schellpeper	Wesely
Coordsen	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 3:

Lamb Moore Peterson

Excused and not voting, 14:

Ashford	Chambers	Hannibal	Labedz	Wehrbein
Beck	Conway	Hartnett	Morrissey	Withem
Bernard-Stevens	Hall	Johnson, R.	Schmit	

These appointments were confirmed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 265.

A BILL FOR AN ACT relating to child support referees; to state intent; to provide for appointment and removal; to provide offices, staff, equipment, furnishings, and supplies; to provide powers and duties; to provide procedures; to eliminate provisions regarding child support referees; and to repeal sections 43-1601 to 43-1607, 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, 38:

Abboud	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Korshoj	Moore	Scofield
Bernard-Stevens	Dierks	Kristensen	Nelson	Smith
Beyer	Elmer	Lamb	Peterson	Warner
Byars	Goodrich	Landis	Pirsch	Weihing
Chizek	Haberman	Langford	Robak	Wesely
	Hannibal	Lindsay	Rogers	

Voting in the negative, 0.

Excused and not voting, 11:

Ashford	Hall	Johnson, R.	Morrissey	Wehrbein
Beck	Hartnett	Labedz	Schmit	Withem
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 619.

A BILL FOR AN ACT relating to chemigation; to amend sections 46-1124, 46-1126, and 46-1138, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to inspections, the authority to order suspension of the operation of a system, and other enforcement powers; and to repeal the original sections.

Whereupon the 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	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Korshoj	Moore	Schmit
Bernard-Stevens	Dierks	Kristensen	Nelson	Scofield
	Elmer	Lamb	Peterson	Smith
Beyer	Goodrich	Landis	Pirsch	Warner
Byars	Haberman	Langford	Robak	Wehrbein
Chizek	Hannibal	Lindsay	Rogers	Weihing

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 9:

Ashford	Chambers	Hartnett	Labedz	Withem
Beck	Hall	Johnson, R.	Morrissey	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 155.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,136, Reissue Revised Statutes of Nebraska, 1943; to provide for visors or shade devices as prescribed; to provide restrictions on tinting, transparent, sunscreening, and luminous reflectance materials in motor vehicle windows as prescribed; to provide for waivers of and exemptions from such restrictions; to define terms; to provide penalties; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the 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	Hannibal	Lynch	Schellpeper
Baack	Conway	Hefner	McFarland	Schimek
Barrett	Coordsen	Johnson, L.	Moore	Scofield
Beck	Crosby	Korshoj	Nelson	Smith
Bernard-Stevens	Dierks	Kristensen	Peterson	Warner
Beyer	Elmer	Landis	Pirsch	Wehrbein
Byars	Goodrich	Langford	Robak	Weihing
Chambers	Haberman	Lindsay	Rogers	Wesely

Voting in the negative, 2:

Lamb	Schmit

Excused and not voting, 7:

Ashford	Hartnett	Labedz	Morrissey	Withem
Hall	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,151, 81-15,152, 81-15,154, and 81-15,158, Revised Statutes Supplement, 1988; to change a provision relating to

the Wastewater Treatment Facilities Construction Loan Fund; to create a fund; to provide for discounted interest rates for certain loans; to change provisions relating to categories of loan eligibility as prescribed; to change provisions relating to nonpayment of loans by municipalities; and to repeal the original sections.

Whereupon the 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	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Korshoj	Nelson	Scofield
Beck	Dierks	Kristensen	Peterson	Smith
Bernard-Stevens	Elmer	Labedz	Pirsch	Warner
	Goodrich	Lamb	Robak	Wehrbein
Beyer	Haberman	Landis	Rogers	Weihing
Chambers	Hall	Langford	Schellpeper	Wesely
Chizek	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Byars Moore

Excused and not voting, 5:

Ashford Hartnett Johnson, R. Morrissey Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-123.04, 53-124, and 53-175, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide a license for the sale of wine only as prescribed; to provide a fee; to authorize certain sales of alcoholic liquor between retailers as prescribed; to state intent relating to certain collectors; 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	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Korshoj	Moore	Scofield
Beck	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Elmer	Labedz	Peterson	Warner
	Goodrich	Lamb	Pirsch	Wehrbein
Beyer	Haberman	Landis	Robak	Weihing
Byars	Hall	Langford	Rogers	Wesely
Chizek	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Ashford	Hartnett	Johnson, R.	Morrissey	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 254. With Emergency.

A BILL FOR AN ACT relating to acquisition of property; to amend section 18-2154, Reissue Revised Statutes of Nebraska, 1943; to adopt the Relocation Assistance Act; to require certain awards in condemnation proceedings; to eliminate provisions relating to acquisition of property for publicly financed projects; to harmonize provisions; to provide an operative date; to repeal the original section, and also sections 76-1201 to 76-1211 and 76-1213, Reissue Revised Statutes of Nebraska, 1943, and section 76-1212, Revised Statutes Supplement, 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	Hartnett	Lynch	Schimek
Baack	Coordsen	Hefner	McFarland	Schmit
Barrett	Crosby	Johnson, L.	Moore	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
	Goodrich	Labedz	Pirsch	Wehrbein
Beyer	Haberman	Lamb	Robak	Weihing
Byars	Hall	Landis	Rogers	Wesely
Chizek	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Langford

Excused and not voting, 4:

Ashford Johnson, R. Morrissey 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 421.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the annexation of land; 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 Baack Barrett Beck

Bernard-Stevens	Dierks	Johnson, L.	McFarland	Schimek
Beyer	Elmer	Korshoj	Moore	Schmit
Byars	Goodrich	Kristensen	Morrissey	Scofield
Chambers	Haberman	Lamb	Nelson	Smith
Chizek	Hall	Landis	Peterson	Warner
Conway	Hannibal	Langford	Robak	Wehrbein
Coordsen	Hartnett	Lindsay	Rogers	Weihing
	Hefner	Lynch	Schellpeper	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Crosby Labedz Pirsch

Excused and not voting, 3:

Ashford Johnson, R. Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 265, 619, 155, 623, 154, 254, and 421.

SELECT FILE

LEGISLATIVE BILL 281. Mr. Chambers renewed his pending amendment, FA35, found in the Journal on page 739.

The Chambers amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 281.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Abboud	Chambers	Korshoj	Lindsay	Schmit
Bernard-Stevens	Hall	Kristensen	Morrissey	Smith
	Hartnett	Landis	Schimek	

Voting in the negative, 33:

Baack	Coordsen	Hefner	Moore	Scofield
Barrett	Crosby	Johnson, L.	Peterson	Warner
Beck	Dierks	Johnson, R.	Pirsch	Wehrbein
Beyer	Elmer	Labedz	Robak	Weihing
Byars	Goodrich	Lamb	Rogers	Wesely
Chizek	Haberman	Langford	Schellpeper	Withem
Conway	Hannibal	Lynch		

Present and not voting, 2:

McFarland Nelson

Excused and not voting, 1:

Ashford

The Chambers motion to indefinitely postpone lost with 13 ayes, 33 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay offered the following amendment:
FA97
strike the sentence beginning with "Each" in Line 20, Page 3.

Messrs. Schmit, Wehrbein, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud Baack

Bernard-Stevens	Coordsen	Johnson, R.	Lindsay	Nelson
Chambers	Goodrich	Korshoj	Lynch	Schimek
Chizek	Hall	Kristensen	McFarland	Smith
Conway	Hartnett	Labedz	Morrissey	Withem
	Johnson, L.	Landis		

Voting in the negative, 14:

Beyer	Haberman	Peterson	Rogers	Weihing
Byars	Lamb	Pirsch	Schellpeper	Wesely
Crosby	Langford	Robak	Warner	

Present and not voting, 7:

Barrett	Dierks	Hannibal	Moore	Scofield
Beck	Elmer			

Excused and not voting, 4:

Ashford	Hefner	Schmit	Wehrbein

The Lindsay amendment lost with 24 ayes, 14 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lynch offered the following amendment:
FA98
Pg 3 on line 10 after conviction add, "For Traffic Infraction"

The Lynch amendment was adopted with 32 ayes, 0 nays, 13 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, 25:

Barrett	Dierks	Labedz	Nelson	Schellpeper
Beck	Elmer	Lamb	Peterson	Warner
Beyer	Goodrich	Langford	Pirsch	Weihing
Byars	Haberman	Lynch	Robak	Wesely
Crosby	Johnson, R.	Moore	Rogers	Withem

Voting in the negative, 18:

Abboud	Chambers	Hannibal	Kristensen	Schimek
Baack	Chizek	Hartnett	Landis	Scofield
Bernard-Stevens	Conway	Johnson, L.	Lindsay	Smith
	Hall	Korshoj	Morrissey	

Present and not voting, 2:

Coordsen McFarland

Excused and not voting, 4:

Ashford Hefner Schmit Wehrbein

Advanced to E & R for Engrossment with 25 ayes, 18 nays, 2 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 272 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0834.)

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1022

1. Insert the following new section:

"Sec. 11. This act shall become operative on June 1, 1989.".

2. On page 2, line 12, strike "twenty-seven", show as stricken, and insert "thirty"; and in line 23, strike "sixteen" and insert "nineteen".

3. On page 3, line 2, strike "sixteen" and insert "nineteen"; and in line 7 strike "twenty-seven" and insert "thirty".

4. On page 6, line 2, strike "eleven" and insert "fourteen".

5. Renumber remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 503A. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Ninety-first Legislature, First Session, 1989.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 22, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Dunn, Donald L. - Lincoln	AMI Saint Joseph Hospital
Leach, Dana L. - Omaha	Friends of Non-profit Corporations
Pappas, James E. - Lincoln	United States Tobacco Company (Withdrawn 89/03/20)
Parker, David R. - Lincoln	AMI Saint Joseph Hospital
Rasmussen, Dennis - Lincoln	Concerned Citizens for Agriculture
	Save Boyd County, Concerned Citizens of Nemaha County, Concerned Citizens of Nuckolls County

STANDING COMMITTEE REPORT
Judiciary

The Judiciary Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Donald D. McCall - Parole Board

VOTE: Aye: Senators Chambers, Chizek, Kristensen, Lindsay, Abboud, Nelson, and Pirsch. Absent: Senator McFarland.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARING

Rules

Your Committee on Rules gives notice of Public Hearing in room 1520 for the following proposed rule changes:

Thursday, April 6, 1989 8:30 a.m.
Hall, Journal Page 1287
Hefner, Journal Page 1273

(Signed) Dan Lynch, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1989, at 10:10 a.m., were the following bills: 265, 619, 155, 623, 154, 254, and 421.

(Signed) Randy Tippin, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 250. E & R amendments, AM5079, found in the Journal on page 975 for the Thirty-Ninth Day, were adopted.

Mrs. Beck renewed her pending amendment, AM0900, found in the Journal on page 1167.

Messrs. Chizek, Moore, Lindsay, Hannibal, Beyer, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beck amendment lost with 6 ayes, 20 nays, 14 present and not voting, and 9 excused and not voting.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek renewed her pending amendment, AM1001, found in the Journal on page 1270.

Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

The Schimek amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 250A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM0757

1. Insert the following new section:

"Section 1. That section 48-121.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-121.01. Commencing on ~~May 30, 1987~~ October 1, 1989, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred ~~thirty-five~~ ninety dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars. ~~Commencing July 1, 1988, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred forty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.~~".

2. On page 3, line 9, after "sections" insert "48-121.01," and after "48-140" insert a comma.

3. Renumber the remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 89019

DATE: March 20, 1989

SUBJECT: The constitutionality of LB 157, Section 4, Subsection 3, as amended by AMO 392.

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

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

You have asked whether LB 157, Section 4, Subsection 3, as amended by AMO 392, violates the Fourth Amendment to the United States Constitution. As discussed below, we have concluded it does not unless the operator of the facility is the state or federal government and the facts do not justify a warrantless search.

LB 157, Section 4, Subsection 3, would permit a hospital, skilled nursing facility or intermediate care facility to test the blood of one of its patients for hepatitis B or human immunodeficiency virus without the consent of that patient or his or her representative under certain circumstances:

(1) A body fluid of such patient has entered the body of an emergency medical services provider,

(2) The physician of such provider believes that such exposure could involve the transmission of hepatitis B or human immunodeficiency virus, and

(3) A sample of the patient's blood is available.

Otherwise a court order must be obtained.

The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures by the federal government or, through the Fourteenth Amendment, by the states. Wolf v. Colorado, 338 U.S. 25 (1949). Thus the constitutionality of the questioned section depends on whether the testing of blood is a search and seizure; if so, whether the one doing it is the government; and, if so, whether such search and seizure is unreasonable. A search conducted without a warrant issued upon probable cause is per se unreasonable, subject only to a few specifically established and well-delineated exceptions including a search conducted pursuant to consent. Schneckloth v. Bustamonte, 412 U.S. 218 (1973), and a search in exigent circumstances, Warden v. Hayden, 387 U.S. 294 (1967).

The Fourth Amendment protects personal privacy and dignity against unwarranted intrusion by the state. Schmerber v. California, 384 U.S. 757, 767 (1966). The compulsory administration

of a blood test by the state "plainly involves the broadly conceived reach of a search and seizure under the Fourth Amendment." Id. However, "the Fourth Amendment's proper function is to constrain, not against all intrusions as such, but against intrusions which are not justified in the circumstances, or which are made in an improper manner." Id. at 768. In that case the court held the blood test administered without a warrant was justified in the circumstances and was made in a proper manner so there was no violation of the Fourth Amendment by the state. The justifiable circumstances in that case included the urgency of getting a test before time had diminished the percent of alcohol in the blood.

In Glover v. Eastern Nebraska Community Office of Retardation, 686 F.Supp. 243 (D. Neb. 1988), the court reached a different conclusion. It found the mandatory testing of the blood of the employees of a governmental agency for hepatitis B and human immunodeficiency virus was not justified when there was no evidence that the agency's clients were at risk of contracting those diseases from its employees through casual contacts.

The significant exposures which are a pre-condition to mandatory testing under LB 157 are not casual contacts. However, they are contacts which have already occurred. Therefore, unless it can be shown that an immediate test is necessary for the validity of the test or for the effective treatment of the person who has been exposed, or for some other reason, there will be no exigent circumstances. Therefore, testing the blood of the patient without his or her consent or the consent of his or her representative without a search warrant may not be justified. This is particularly true if testing the blood of the provider who has been exposed would be as reliable.

The physician-patient privilege is one of the few privileges recognized by law. Neb.Rev.Stat. §27-504 (Supp. 1988). Thus a person is justified in relying on having privacy about tests conducted on a sample of his or her blood which was withdrawn by or at the direction of his or her physician.

In conclusion, LB 157, Section 4, Subsection 3, as amended, does not violate the Fourth Amendment to the United States Constitution unless the operator of the facility is the state or federal government and the facts do not justify a warrantless search.

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

Assistant Attorney General

16-241-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Chambers and Bernard-Stevens asked unanimous consent to have their names added as co-introducers to LB 250. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 340. E & R amendments, AM5080, found in the Journal on page 975 for the Thirty-Ninth Day, were adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM0612, found in the Journal on page 1260.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Bernard-Stevens amendment was adopted with 27 ayes, 10 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Warner moved to reconsider the Bernard-Stevens amendment AM0612.

Mr. Warner withdrew his motion to reconsider.

Mr. Chambers renewed his pending amendment, FA54, found in the Journal on page 1000.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Baack renewed his pending amendment, AM0838, found in the Journal on page 1093.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner requested a division of the question on the Baack amendment.

The Chair sustained the division of the question.

The first Baack amendment is as follows:
FA99

(Amendments to E & R amendment, AM5080)

1. On page 3, line 11, after "wrongdoing" insert an underscored comma, after "and" insert "when any unmarked human burial must be disturbed for any of the reasons listed in this subdivision, ensure", and strike "be" and insert "of such site is"; in line 17 after "any" insert "item or"; and strike lines 19 and 20 and insert "with the human skeletal remains of an individual at the time of burial and which can be traced with a reasonable degree of certainty to the specific human skeletal remains with which it or they were buried;".

2. On page 4, line 13, strike "and"; after line 13 insert the following new subdivision:

"(6) Society shall mean the Nebraska State Historical Society; and"; and in line 14 strike "(6)" and insert "(7)".

3. On page 5, line 7, after "landowner" insert "on whose property the human skeletal remains or

burial goods were discovered".

4. On page 6, line 17, strike "associated with" and insert "tribally linked to".

5. On page 7, line 4, after the period insert "In no case shall any human skeletal remains that are reasonably identifiable as to familial or tribal origin be displayed by any entity which receives funding or official recognition from the state or any of its political subdivisions."; in line 10 after "reinterred" insert "as provided in subsection (2) of this section"; strike beginning with "During" in line 11 through line 12; in line 13 strike "Notwithstanding" and insert "(1) Except as provided in subsection (2) of this section and notwithstanding"; and in lines 23 and 24 strike "relatives" and insert "relative" and strike "tribes" and insert "tribe".

7. On page 9, line 3, after "acquired" insert "as a result of".

8. On page 11, line 22, strike "domestic".

The first Baack amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The second Baack amendment is as follows:

FA100

6. On page 8, line 3, strike ", except" and insert ". The deadline for the return of remains and goods imposed by this subsection may be extended by mutual written agreement of the requesting relative or Indian tribe and the institution, agency, organization, or other entity which is in possession or control of the items sought to be returned."; in line 4 strike "that any" and insert paragraphing and

"(2) Any"; in line 9 after the period insert "The deadline for the return of remains and goods imposed by this subsection may be extended by mutual written agreement of the requesting relative or Indian tribe and the institution, agency, organization, or other entity which is in possession or control of the items sought to be returned."; in line 10 strike the first comma and insert "or" and strike ", or"; in line 11 strike "Indian tribal member"; and strike beginning with "unmarked" in line 19 through "located" in line 20 and insert "alleged violation occurred".

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 6 nays, and 35 not voting.

Messrs. Chizek and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baack withdrew his pending amendment, FA100.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Weihing asked unanimous consent to print the following amendment to LB 54A in the Journal. No objections. So ordered.

AM1046

1. On page 2, line 2, strike "$58,705" and insert "$6,975"; in line 3 strike "$57,351" and insert "$5,807"; and strike lines 8 through 12 and insert:

"No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 566. Placed on General File.

LEGISLATIVE BILL 403. Indefinitely postponed.
LEGISLATIVE BILL 404. Indefinitely postponed.
LEGISLATIVE BILL 599. Indefinitely postponed.
LEGISLATIVE BILL 787. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

AM1052

1. On page 6, lines 23 and 25, strike

2 "average" and after "of" insert "equivalent Nebraska".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 487A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 487, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 488A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 340. Mr. Baack renewed his pending amendment, AM0837, found in the Journal on page 1095.

The Baack amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Baack withdrew his pending amendment, AM0840, found in the Journal on page 1095.

Mr. Conway renewed his pending amendment, AM0888, found in the Journal on page 1146.

MR. LANDIS PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The Conway amendment was adopted with 25 ayes, 3 nays, 10 present and not voting, 11 excused and not voting.

The Chair declared the call raised.

Mr. Conway renewed his pending amendment, AM0883, found in the Journal on page 1147.

The Conway amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Goodrich renewed his pending amendment, AM0904, found in the Journal on page 1167.

Mr. Goodrich requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Goodrich amendment is as follows:
FA101

(Amendments to AM5080)

1. Insert the following new sections:

"Sec. 10. (1) Except as provided in subsection (2) of this section, any institution, agency, organization, or other entity in this state which receives funding or official recognition from the state or any of its political subdivisions and which has any burial goods in its possession or control on the effective date of this act, shall have adequate time to record and photograph such goods and then return them to the relatives or Indian tribes for reburial, upon request of such relatives or Indian tribes, or otherwise cause such goods to be reinterred pursuant to subsections (2) and (3) of section 8 of this act within three years of receiving such request.

(2) Burial goods may be preserved by the institutions, agencies, organizations, or entities mentioned in subsection (1) of this section when such burial goods: (a) Have a direct association with personalities, events, or places significant in Nebraska or American history; (b) are unique, irreplaceable, or of transcendental intrinsic value as historical artifacts; or (c) have unique or irreplaceable educational value for the understanding and interpretation of Nebraska or American history.

Sec. 11. An arbitration committee to resolve disputes arising from the Unmarked Human Burial Sites and Skeletal Remains Protection Act is hereby created.

The committee shall consist of the State Historic Preservation Officer, the executive director of the Commission on Indian Affairs, and a third member to be appointed by the Governor for a term of four years, such member to be appointed from a list of not less than three candidates submitted and mutually agree upon by the permanent committee members. The appointed member shall be a trained historian, not associated with any museum or historical society. Decisions of the arbitration committee may be appealed to district court.".

5. On page 7, line 3, strike "one-year" and insert "three-year"; in line 19 strike "or burial goods"; and strike beginning with "return" in line 22 through "goods" in line 23 and insert "have adequate time to record and photograph such remains and then return them".

6. On page 8, in lines 1, 7, and 9 strike "and goods"; in line 3 strike "one year" and insert "three years"; and in line 9 strike "September 10, 1989" and insert "January 1, 1992".

8. Renumber remaining sections accordingly.

Mr. Goodrich withdrew his pending amendment.

The second Goodrich amendment is as follows:

FA102

2. On page 1, line 4, strike "10" and insert "12"; and in line 21 strike "equal and".

3. On page 3, line 10, after "construction" insert "or other public".

4. On page 6, line 8, after "known" insert "or they refuse to pay".

7. On page 9, strike beginning with the second "or" in line 3 through "violation" in line 4.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Weihing and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Goodrich amendment:

FA103
Strike #7 which reads: On page 9, strike beginning with the second "or" in line 3 through "violation" in line 4

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Chambers	Labedz	Nelson	Schmit
Baack	Conway	Landis	Robak	Wesely
Bernard-Stevens	Elmer	McFarland	Rogers	Withem
	Hall	Morrissey	Schimek	

Voting in the negative, 7:

Beyer	Kristensen	Langford	Schellpeper	Warner
Goodrich	Lamb			

Present and not voting, 13:

Barrett	Coordsen	Hartnett	Moore	Pirsch
Beck	Crosby	Johnson, L.	Peterson	Wehrbein
Byars	Hannibal	Korshoj		

Absent and not voting, 1:

Ashford

Excused and not voting, 10:

Chizek	Haberman	Johnson, R.	Lynch	Smith
Dierks	Hefner	Lindsay	Scofield	Weihing

The Chambers amendment lost with 18 ayes, 7 nays, 13 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

The pending Goodrich amendment lost with 7 ayes, 14 nays, 17 present and not voting, and 11 excused and not voting.

Pending.

LEGISLATIVE BILL 231A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 378A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 408A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 412A. Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 36 sixth grade students and teacher from Mockingbird Elementary School, Ralston; 20 members and sponsor from Delta Sigma Theta Sorority, Omaha; 23 4-H members and sponsor from Douglas County; 23 students and sponsors from Newcastle; Mary, Briana, Rory, and Siobhon Duffy; 75 sixth grade students and teacher from Morley Elementary School, Lincoln; Jim and Doug Beaird from Oregon and Emma Beaird from Scottsbluff; Tom Kelly from Westside Middle School, Omaha; 12 fourth grade students and teacher from Emmanuel Lutheran, Columbus; 20 fourth grade students and teacher from Emmanual Lutheran, York; and Senator Beyer's granddaughter, Tami Schnell, and 65 fourth grade students and teacher from Gretna.

ADJOURNMENT

At 2:59 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 1:00 p.m., Monday, March 27, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 27, 1989

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - MARCH 27, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 27, 1989

Pursuant to adjournment, the Legislature met at 1:06 p.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Ashford, Goodrich, Haberman, Hartnett, R. Johnson, McFarland, Moore, Rogers, Schmit, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 371. Placed on Select File as amended.
E & R amendments to LB 371:
AM7002
1. In the Standing Committee amendments,
AM0451:
a. On page 1, line 10, after "by" insert
"the"; and

b. On page 1, line 21, and page 2, line 3, strike "21" and insert "20".

2. On page 2, line 21, before "shall" insert "of this act".

3. On page 3, line 1, strike ": Television;" and insert ", television,"; in line 2 strike the semicolons and insert underscored commas; and in line 18 after "agreement" insert an underscored comma.

4. On page 5, line 1, after "in" insert "the"; in line 16 strike "corporated" and insert "corporate"; and in line 20 after "of" insert "the".

5. On page 6, line 12, after "specific" insert an underscored comma; and in line 17 strike "this act" and insert "such sections".

6. On page 7, line 11, after the second "same" insert "sales".

7. On page 11, line 12, strike the first "by" and insert "of" and strike the comma; and in line 13 after "for" insert an underscored comma.

8. On page 12, line 7, strike "interruptions" and insert "interruption".

9. On page 16, line 3, strike the first "subsection" and insert "subdivision"; in line 9 strike "terminate," and after the last comma insert "terminate,"; and in line 12 strike the first "section" and insert "subsection".

10. On page 17, line 9, strike "and," and insert ", and".

11. On page 18, line 12, strike "or" and insert "of".

12. On page 19, line 7, after "of" insert "the".

13. On page 20, line 6, strike "shall" and insert "will"; and in line 21 strike the comma.

14. On page 21, line 9, strike "condition" and insert "conditions"; in line 16 after "beer" insert "(a)"; in line 17 strike "(a)"; in line 19 strike "(b)"; in line 22 after "or" insert "(b)"; in line 23 after "person" insert "who"; in line 24 strike "retail location" and insert "retailer who"; and in line 25 strike "which".

15. On page 22, line 17, after "temporary" insert "service"; and in line 19 strike "a" and insert "the".

16. On page 24, line 5, strike "terminated," and after "canceled," insert "terminated.".

17. On page 25, line 2, after the comma insert "or"; and in line 4 strike the comma and strike "(d)" and insert an underscored comma.

18. On page 28, line 14, after "act" insert an underscored comma.

19. On page 29, line 4, after "requires" insert "the"; and in line 11 strike "such".

20. On page 31, line 7, strike "Practice" and insert "Practices".

LEGISLATIVE BILL 89. Placed on Select File as amended.
E & R amendments to LB 89:
AM7000

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 Help Education Lead to Prosperity Act.

Sec. 2. The purpose of the Help Education Lead to Prosperity Act is to promote excellence in education through increased teacher salaries. The act will establish a minimum teacher salary which will attract quality teachers to Nebraska public schools and which will be competitive with salaries paid to other professionals. It is the intent of the Legislature that Nebraska public schools have the capacity to recruit new teachers and retain quality teachers already employed through general salary increases.

Sec. 3. For purposes of the Help Education Lead to Prosperity Act:

(1) Department shall mean the State Department of Education;

(2) Fund shall mean the Educational Excellence Fund;

(3) Phase I program funds shall mean those funds distributed pursuant to section 5 of this act as minimum salary supplements;

(4) Phase II program funds shall mean those funds distributed pursuant to section 6 of this act for general salary increases;

(5) Provider shall mean a school district, an educational service unit, a school operated by the

Department of Correctional Services, the State Department of Education, the Department of Public Institutions, or the Department of Social Services, the Beatrice State Developmental Center, or the Lincoln Regional Center;

(6) Regular compensation shall mean the annual salary specified in a teacher's contract not including pay earned for performance of noninstructional duties or the employer's share of retirement benefits; and

(7) Teacher shall mean a nonsupervisory, certificated staff member of a provider.

Sec. 4. There is hereby created the Educational Excellence Fund. Money in the fund shall be used only for purposes of sections 5 and 6 of this act. The State Treasurer shall make distributions from the fund as required by the Help Education Lead to Prosperity Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. (1) The minimum annual salary established by this section shall be known as Phase I of the Educational Excellence Program. For each school year beginning after the effective date of this act, the minimum annual salary paid to a full-time teacher as regular compensation shall be eighteen thousand dollars. The minimum annual salary paid to a part-time teacher as regular compensation shall be that portion of eighteen thousand dollars which is equivalent to the proportion of full-time employment held by such teacher.

(2) Each provider shall certify to the department by September 1 of each year the names of all teachers employed by the provider whose regular compensation for the school year is less than eighteen thousand dollars and the total amount needed as minimum salary supplements. The minimum salary supplement for each teacher shall be the total of (a) the difference between eighteen thousand dollars and the teacher's regular compensation and (b) the amount required to pay the employer's share of federal social security and retirement benefit payments on the additional salary. The minimum salary supplement for each part-time teacher shall be that portion of the minimum salary supplement which is equivalent to the proportion of full-time employment held by each such teacher.

(3) The department shall compute the amount payable to each provider as minimum salary supplements and shall provide such information to the State Treasurer by December 1. The State Treasurer shall distribute such amounts from the fund. This section shall be fully funded. If there are any excess funds in the fund, such excess funds shall be used for the purposes set forth in section 6 of this act. No minimum salary supplements shall be distributed pursuant to this section after the fourth school year following the effective date of this act.

Sec. 6. (1) The general salary increases established by this section shall be known as Phase II of the Educational Excellence Program. Each provider shall certify to the department by September 1 of each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid eighteen thousand dollars or less as regular compensation shall not be counted in the calculation;

(b) A full-time equivalent teacher paid more than eighteen thousand dollars and less than nineteen thousand dollars as regular compensation shall be counted as one-third of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more and less than twenty thousand dollars as regular compensation shall be counted as two-thirds of one full-time equivalent teacher;

(d) A full-time equivalent teacher paid twenty thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(e) A full-time equivalent teacher with a master's degree shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of the total number of full-time

equivalent teachers and of the total weighted number of full-time equivalent teachers and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute any excess amount in the fund after the distribution made pursuant to section 5 of this act for any year to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the number in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and to pay the employer's share of federal social security and retirement benefit payments on such salary increases. The State Treasurer shall not distribute any money to a provider under this section until the department has certified that the provider and local teacher association or local bargaining group, if there is no local teacher association, have mutually agreed to a plan for distribution of such money.

Sec. 7. After the Phase I and II program funds have been transmitted to a provider and an agreement has been reached by the provider and the local teacher association or local bargaining group, the provider shall commence payments pursuant to such agreement for the individual contract.

Sec. 8. Any provider who misappropriates Phase I or II program funds shall have twice the amount misappropriated deducted from the provider's state aid for the subsequent year.

Sec. 9. Any amount or amounts received or to be received by or for any teacher or teachers under any provision of the Help Education Lead to Prosperity Act shall not become a part of any contract rights protected under sections 79-12,107 to 79-12,121.

Sec. 10. (1) It is the intent of the Legislature to provide adequate funding to enable the department to carry out its duties under the Help Education Lead to Prosperity Act.

(2) The Legislature shall appropriate forty million dollars from the General Fund for fiscal year 1989-90 and seventy-five million dollars from the

General Fund for fiscal year 1990-91 to carry out the provisions of sections 5 and 6 of this act.

Sec. 11. The department may adopt and promulgate rules and regulations to carry out the Help Education Lead to Prosperity Act.".

LEGISLATIVE BILL 89A. Placed on Select File as amended.
E & R amendments to LB 89A:
AM7001

1. In the Lynch amendment, AM0902, on page 1, line 9, after the second comma insert "or".

2. On page 1, line 4, after "1989" insert ";
to provide powers and duties; and to increase expenditure limitations as provided".

Correctly Engrossed

The following bills were correctly engrossed: 183A, 574, and 574A.

(Signed) John C. Lindsay, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89020

DATE: March 24, 1989

SUBJECT: Low-Level Radioactive Waste local monitoring committees

REQUESTED BY: Dennis Grams, Director
Department of Environmental Control

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked several questions regarding the composition of the local monitoring committees for the Low-Level Radioactive Waste Act as set forth in Neb.Rev.Stat. §81-15,101.01 (1988 Cum. Supp.). We will attempt to address each of your questions individually.

Your first question is whether members of the local committee selected from municipalities set out in subpart (2)(a) of the above statute are required to be residents of such municipalities or live

within the prescribed zoning jurisdiction of the municipalities. Subpart (2)(a) states:

> Each local monitoring committee shall be composed of the following nine members: (a) two members selected from municipalities which have zoning jurisdiction within fifteen miles of the proposed site or if there are no such municipalities, from the municipality in closest proximity to the proposed site, to be appointed by the chief executive officer of each municipality by the governing body if there is no chief executive officer;
>
> . . .

The Nebraska Supreme Court has often said "in the absence of anything indicating to the contrary, statutory language is to be given its plain and ordinary meaning; this court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous." In re Interest of G.B., 227 Neb. 512, 418 N.W.2d 258 (1988); see, also, In re Interest of Richter, 226 Neb. 874, 415 N.W.2d 476 (1987) and Lawson v. Ford Motor Company, 225 Neb. 725, 408 N.W.2d 256 (1987).

The above statute clearly states that two members of the local committee are to be selected from the appropriate municipalities. Black's Law Dictionary (Fifth Edition, 1979) defines the word "from" as follows: "As used as a function word, implies a starting point, whether it be of time, place, or condition; and meaning having a starting point of motion, noting the point of departure, origin, withdrawal . . . One meaning of 'from' is 'out of'. . . ."

In Silva v. McAuley, 135 Cal.App. 249, 26 P.2d 887 (1934), the California Court of Appeal was faced with the interpretation of "from" in regard to a statute which made it illegal to transport fish from a certain zone in the State to a point outside of the State. Fishermen had captured fish outside of this zone but were shipping the fish from within the zone to points outside of the State. The California Court of Appeals held that the fish were merely passing through the zone since the word "from" always implies a starting point whether it be of time, place or condition.

Since Neb.Rev.Stat. §81-15,101.01(2)(a) (1988 Cum. Supp.) provides for appointment of an individual from the municipality, it is our determination that the individual appointed must have a starting place or origin from within the designated area at the time of his or her appointment. In other words, the appointee must reside in the municipality at the time of the appointment. The Nebraska Supreme Court has long interpreted "residence" to be equivalent to "domicile" and "to effect a change of domicile there must not only be a change of residence, but an intention to permanently abandoned the former home." Wood v. Roeder, 45 Neb. 311, 63 N.W. 853

(1895). In Berry v. Wilcox, 44 Neb. 82, 62 N.W. 249 (1895), a case relating to residence for voting purposes, the Nebraska Supreme Court held

> The generally accepted definition of "residence" when the term is used with reference to the qualifications of voters, is synonymous with "domicile" -- "that place . . . in which his habitation is fixed, without any present intention of removing therefrom.

44 Neb. at 85. This would also answer your second question as to whether a person could establish a temporary residence for the sole purpose of serving as a committee member. Residence, as the definitions above indicate, is equivalent to domicile and carries with it the intent, at least for the time, of remaining at that location. Our determination that the appointees must be residents of the local area is also inferred from the declared legislative intent of the statute "that the local monitoring committees provide significant input concerning local needs and resources. . . ." Presumably local residents would have more knowledge of the local needs and resources.

Your third question is whether the at-large member and owner of real property selected from the county in (2)(b) are required to be residents of the county. Subpart (2)(b) of the above cited statute states

> Each local monitoring committee shall be composed of the following nine members: . . . (b) two members from the county in which the site is proposed, to be appointed by the governing body of the county. One member shall be an owner of real property that is within a three mile radius of the proposed site, and one member shall be an at-large member; . . .

As indicated on our response to your first question, the word "from" indicates a starting point or point of origin. Therefore, the two members from the county must be residents of the county at the time of appointment.

Your next question is whether the governing bodies specificized in (2)(a) and (b) are required to make the appointments, and if appointments are not made if there is a duty on the Department of Environmental Control to enforce appointments.

Neb.Rev.Stat. §81-15,101 (1988 Cum. Supp.) states that the Committee shall be composed of nine members and the officers or governing bodies indicated in the statute are to make those appointments. Generally the word "shall" appearing in a statute implies that whatever "shall" be done is mandatory. Minden Beef Company v. Cost of Living Council, 362 F.Supp. 298 (Neb. 1973). Generally, in construction of statutes, the word "shall" is considered mandatory and inconsistent with the idea of discretion. State v.

Stratton, 220 Neb. 854, 374 N.W.2d 31 (1985) N.C. Pius Hybrids v. Growers Seed Association, 219 Neb. 296, 363 N.W.2d 362 (1985).

The statute specifically provides that the committee shall have nine members, two of whom shall be selected from municipalities, two from the county, two appointed by the natural resources district, and three appointed by the Governor. Therefore, it is our determination that the entities named have been given the authority to make the appointments and are mandated by statute to make said appointments. The statute in question, however, does not contain a penalty clause for failure to make the appointments.

Your question then is whether the Department of Environmental Control has a duty to enforce the appointment of representatives if the statutorily designated officer or officers do not so appoint. Neb.Rev.Stat. §81-1599 (Reissue 1987) sets out the powers and duties of the Department of Environmental Control. The statutes impose no duty upon the Department relative to the appointment of members to the local committees. While the Department is authorized to exercise all incidental powers necessary to carry out the purposes of the Low-Level Radioactive Waste Disposal Act, the Department has been given no power to impose sanctions against the appointing authorities for their failure to appoint. The remedy in this case, if such there be, appears to be in the nature of a mandamus action brought by a party or parties shown to have an interest in representation on the local committee.

Your final question is whether a committee would fail to be established if all appointments were not made. It is our determination that the failure to appoint all committee members does not mean that the committee does not exist. However, it may limit some actions of the committee. As with any other committee established by statute, the failure to fill all vacancies on the committee would not mean that the committee itself did not exist. However, if a quorum is necessary for the conducting of business or a majority vote is needed to pass on certain actions of the committee, the failure to have all positions filled may seriously effect the committee's ability to function.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-141-3

Opinion No. 89021

DATE: March 24, 1989

SUBJECT: Validity and Construction of Legislative Bill 490 Which Provides for the Criminal Offense of Defrauding Suppliers

REQUESTED BY: Senator Jerry Chizek, Chairperson
Judiciary Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to the request of the Judiciary Committee for an Opinion of this office concerning whether LB 490 violates the constitutional prohibition against imprisonment for debt.

The express legislative purpose of LB 490 is "to make defrauding a supplier a crime and to provide for penalties." Section 2 of the bill provides that a person, firm, or corporation commits the offense of defrauding a supplier if he or she, as a contractor or subcontractor, fails to pay any supplier or subcontractor for materials, goods, or labor furnished within twenty days of final receipt of payment under the contract. Further, a contractor and owner commits the offense if he or she knowingly and willingly transfers title of property upon which improvements were made without paying for materials, goods, or labor contracted for and furnished to the project.

Article I, Section 20, of the Nebraska Constitution provides that "{n}o person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud." Although the constitutional language refers to civil, not criminal actions, the Nebraska Supreme Court long has held the provision applicable to criminal prosecutions initiated to aid a civil creditor.

The constitutional question arises because the proposed act does not expressly provide or require the requisite mens rea, the intent to defraud, for conviction of the offense. In Norton v. Janing, 182 Neb. 539, 156 N.W.2d 9 (1968), a statute which permitted prosecution for failure to pay a contractual obligation without proof of fraud was found unconstitutional. The statute criminalized the nonpayment by a contractor of debts owing to laborers or materialmen without first having obtained lien waivers. The court held that proof of fraudulent intent was necessary to imprison for failure to pay civil obligations.

Thus, the absence of an express provision or requirement of intent to defraud for conviction renders the act proposed by LB 490 constitutionally suspect.

Our Supreme Court has endeavored to interpret statutes which make criminal offenses for failure to pay contractual debts in a manner consistent with the Constitution. The constitutional validity of statutes which did not expressly provide or require an intent to defraud in prosecutions for failure to pay civil obligation have been upheld. In State v. Hocutt, 207 Neb. 689, 300 N.W.2d 198 (1981), a statute which did not expressly require fraud was upheld because judicial construction of the act had established that proof of fraud was required for a conviction.

A statute which made the issuance of insufficient fund checks a crime without expressly providing for or requiring intent to defraud was upheld in State v. Kock, 207 Neb. 731, 300 N.W.2d 824 (1981). The court determined that the mere drawing of a check was not sufficient to constitute a violation and, reading the statute in its entirety, the essential elements of the offense stated in the act was sufficiently descriptive of an intent to defraud. The court chose an interpretation which gives effect to the statute over one which defeats the statute and gives effect to the entire language of the statute as against one which does not.

While the proposed statute does not expressly provide or require fraudulent intent, Section 3 of the bill provides that failure to pay shall be prima facie evidence that the failure to pay was with intent to defraud. Based on our review of the cases, it is our conclusion that the court would endeavor to interpret the proposed act in a manner consistent with the Constitution and would determine that, by reading the act in its entirety, an intent to defraud is required for prosecutions under the act.

Accordingly, it is our opinion that LB 490 would not violate the constitutional prohibition against imprisonment for debt.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-01-14.1
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 285 in the Journal. No objections. So ordered.

AM1043

1. On page 48, line 13, after "60-301" insert "other than a combination of truck-tractors and semitrailers".

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 1316: Donald D. McCall - Parole Board.

Voting in the affirmative, 27:

Abboud	Conway	Hefner	Lindsay	Schellpeper
Baack	Crosby	Johnson, L.	Lynch	Wehrbein
Barrett	Dierks	Korshoj	Morrissey	Weihing
Beck	Elmer	Kristensen	Nelson	Wesely
Chambers	Hall	Landis	Robak	Withem
Chizek	Hannibal			

Voting in the negative, 0.

Present and not voting, 10:

Bernard-Stevens	Byars	Labedz	Langford	Smith
Beyer	Coordsen	Lamb	Peterson	Warner

Excused and not voting, 12:

Ashford	Hartnett	Moore	Rogers	Schmit
Goodrich	Johnson, R.	Pirsch	Schimek	Scofield
Haberman	McFarland			

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 340. Mr. Wesely renewed his pending amendment, AM0912, found in the Journal on page 1169.

Mr. Wesely requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Wesely amendment is as follows:
FA104

(Amendments to AM5080)

3. On page 7, line 3, strike "one-year" and insert "three-year".

4. On page 8, line 3, strike "one year" and insert "three years"; and strike beginning with the comma in line 3 through "1989" in line 9 and insert ". For purposes of this section, any institution, agency, organization, or other entity shall notify the appropriate relative or Indian tribe when scientific study of the remains and goods is complete and the remains and goods are available for reburial".

5. Renumber remaining sections accordingly.

Mr. Wesely offered the following amendment to his pending amendment:
FA105

P 2, L 2 Strike "3 years" & insert "1 1/2 years"

Messrs. Peterson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Landis requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 22:

Beck	Goodrich	Korshoj	Lynch	Warner
Byars	Haberman	Kristensen	Nelson	Wehrbein
Coordsen	Hannibal	Lamb	Schellpeper	Weihing
Dierks	Hefner	Langford	Smith	Wesely
Elmer	Johnson, L.			

Voting in the negative, 20:

Abboud	Baack	Barrett

Bernard-Stevens	Chizek	Labedz	Moore	Rogers
Beyer	Conway	Landis	Morrissey	Schimek
Chambers	Crosby	Lindsay	Robak	Withem
	Hall	McFarland		

Excused and not voting, 7:

Ashford	Johnson, R.	Pirsch	Schmit	Scofield
Hartnett	Peterson			

The Wesely amendment lost with 22 ayes, 20 nays, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wesely withdrew his pending amendment, FA104.

The second Wesely amendment is as follows:
FA106

1. Insert the following new section:

"Sec. 11. For purposes of any disputes regarding human skeletal remains or burial goods under the Unmarked Human Burial Sites and Skeletal Remains Protection Act after the effective date of this act, a three-member committee shall review information and make a determination as to what action should be taken regarding the remains or goods. The committee shall consist of (1) a representative of the institution, agency, organization, or other entity which has in its possession or control any human skeletal remains or burial goods, (2) a representative of the individual or Indian tribe requesting the return of the remains or goods, and (3) a representative that is selected by and acceptable to the other two representatives on the committee.".

2. On page 1, line 4, strike "10" and insert "11".

Mr. Wesely withdrew his pending amendment, FA106.

Mr. Warner offered the following amendment:
FA107

on page 7 of AM5080 Sec 9, line 20 after the word "origin" insert the words "disinterred since 1933."

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner asked unanimous consent to replace his pending amendment, FA107, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his pending amendment, FA107.

Mr. Warner offered the following substitute amendment:
FA108
page 7 line 20 following "origin" "except burial goods disinterred before Jan. 1, 1933.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment lost with 17 ayes, 15 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
FA109
Amend AM5080 on Pg. 8 line 9 STRIKE "1989" and INSERT "1990"

The Warner amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
AM1061

(Amendments to AM5080)

1. Insert the following new section:

"Sec. 11. (1) Whenever a grievance arises pursuant to the unmarked Human Burial Sites and Skeletal Remains Protection Act, a three-member committee shall review information concerning the grievance and make a determination as to what action should be taken regarding the human skeletal remains or burial goods. The committee shall consist of (a) a representative of the institution, agency, organization, or other entity which has in its possession or control such remains or goods, (b) a representative of the relative or Indian tribe requesting the return of the remains or goods, and (c) a representative that is selected by and acceptable

to the other two representatives on the committee. If the representative provided for in subdivision (c) of this subsection is not selected within fifteen days after the last selection of a representative pursuant to subdivision (a) or (b) of this subsection, the procedures set forth in subsection (2) of this section shall apply.

(2) Whenever a grievance arises pursuant to the act and a three-member committee has not been formed, the aggrieved party shall submit to the adverse party documentation describing the nature of the grievance. The aggrieved party and the adverse party shall meet within sixty days of the mailing of the initial grievance and shall either concur or disagree after reviewing the appropriate documentation.

If after such meeting the parties disagree, the aggrieved party may submit a petition, together with supporting documentation, to the office of Public Counsel describing the nature of the grievance. The aggrieved party shall serve a copy of the petition and all supporting documents on the adverse party at the time of filing. The adverse party shall have thirty days to respond to the petition by filing a response and supporting documentation with the office, copies of which shall be served on the aggrieved party by the adverse party at the time of filing the response.

The office of Public Counsel shall review the petition, the response, all supporting documentation submitted by the parties, and other relevant information and shall render a decision in writing within ninety days after the filing of the petition. The final decision shall state the decision and the basis therefor.

The decision of the office of Public Counsel shall be considered final administrative action and may be appealed by either party, and such appeal shall be in accordance with the Administrative Procedure Act.".

2. On page 1, line 4, strike "10" and insert "11".

3. Renumber the remaining sections accordingly.

Mr. Wesely withdrew his pending amendment.

Messrs. Bernard-Stevens, Baack, Chambers, and Landis offered the following amendment:

AM1064

(Amendments to AM5080)

1. Insert the following new section:

"Sec. 11. Whenever a dispute arises with regard to the disposition of human skeletal remains or burial goods pursuant to the Unmarked Human Burial Sites and Skeletal Remains Protection Act, the procedure set forth in this section shall be the exclusive remedy available to the aggrieved party under the act. No cause of action shall lie until the procedure set forth in this section is completed.

The aggrieved party shall submit to the adverse party documentation describing the nature of the grievance. The aggrieved party and the adverse party shall meet within sixty days of the mailing of the initial grievance and shall either concur or disagree after reviewing the appropriate documentation.

If after such meeting the parties disagree, they shall, within fifteen days following such meeting, designate a third party, agreed on by both original parties, to assist in the resolution of the dispute. If an agreement as to the designation of the third party is not reached within the fifteen-day period, the Public Counsel shall automatically be designated to serve in that capacity.

Following the designation of a third party, the aggrieved party may submit a petition, together with supporting documentation, to the third party describing the nature of the grievance. The aggrieved party shall serve a copy of the petition and all supporting documents on the adverse party at the time of filing. The adverse party shall have thirty days to respond to the petition by filing a response and supporting documentation with the third party, copies of which shall be served on the aggrieved party by the adverse party at the time of filing the response.

The third party shall review the petition, the response, all supporting documentation submitted by the parties, and other relevant information. Following such review and within ninety days after the filing of the petition, the two original parties and the third party shall, by majority vote, render a decision with regard

to the matter in dispute.

The decision may be appealed by either party, and such appeal shall be in accordance with section 25-1937.".

2. On page 1, line 4, strike "10" and insert "11".

3. Renumber the remaining sections accordingly.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bernard-Stevens et al. amendment was adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Mr. Warner offered the following amendment:
FA110
to amend on page 3 of AM1064 new Sec 11, line 1 by adding ", except such remains and goods the disposition of which is disputed and subject to arbitration."

The Warner amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich 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, 28:

Abboud	Bernard-Stevens	Dierks	Lindsay	Rogers
Ashford	Chambers	Elmer	McFarland	Schellpeper
Baack	Conway	Hall	Moore	Schimek
Barrett	Coordsen	Hannibal	Morrissey	Smith
Beck	Crosby	Labedz	Nelson	Wesely
		Landis	Robak	Withem

Voting in the negative, 12:

Beyer	Byars	Goodrich	Hefner	Johnson, L.

Johnson, R.	Lamb	Peterson	Warner	Wehrbein
Kristensen	Langford			

Present and not voting, 2:

Haberman Weihing

Excused and not voting, 7:

Chizek	Korshoj	Pirsch	Schmit	Scofield
Hartnett	Lynch			

Advanced to E & R for Engrossment with 28 ayes, 12 nays, 2 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 340A. Mr. Warner offered the following amendment:
AM1096

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $109,504 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska State Historical Society, for Program 647, to aid in carrying out the provisions of Legislative Bill 340, Ninety-first Legislature, First Session, 1989.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $54,400 for the period July 1, 1988, to June 30, 1989.

It is the intent of the Legislature that up to $10,000 of such appropriation shall be used for site selection of a burial site located in Nebraska and up to $40,000 of such appropriation shall be used for acquisition of such site.

The unexpended balance available on June 30, 1989, is hereby reappropriated.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner withdrew his pending amendment.

Mr. Landis offered the following amendment:
FA111

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $59,504 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska State Historical Society, for Program 647, to aid in carrying out the provisions of Legislative Bill 340, Ninety-first Legislature, First Session, 1989.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $54,400 for the period July 1, 1988, to June 30, 1989.

The Landis 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.

MESSAGE FROM THE GOVERNOR

March 27, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 265, 619, 155, 623, 154, 254, and 421 were received in my office on March 23, 1989.

These bills were signed by me on March 27, 1989 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1075

1. Insert the following new section:
"Sec. 11. This act shall become operative on June 1, 1989.".
2. On page 2, line 12, strike "twenty-seven", show as stricken, and insert "thirty"; and in line 23, strike "sixteen" and insert "nineteen".
3. On page 3, line 2, strike "sixteen" and insert "nineteen"; and in line 7 strike "twenty-seven" and insert "thirty".
4. Renumber remaining sections accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 781 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0986.)

SELECT FILE

LEGISLATIVE BILL 147. Mr. Ashford offered the following amendment:

AM0891

1. Insert the following new section:
"Sec. 2. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
43-2,119. In each county of this state having a population of seventy-five thousand and not more than two hundred thousand ~~population~~ persons in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court. In ~~, and in~~ each county of this state having ~~more than~~ a population of two hundred thousand ~~population~~ and not more than three 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 three

hundred thousand persons or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court. In counties having ~~two judges~~ more than one judge of the separate juvenile court, ~~upon the swearing in of the second judge,~~ the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

2. On page 4, line 11, strike "section" and insert "sections" and after "5-105" insert "and 43-2,119"; and in line 12 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Chambers requested a ruling of the Chair on whether the Ashford amendment is germane to the bill.

The Chair ruled the Ashford amendment is not germane to the bill.

Mr. Ashford moved to suspend the rules, Rule 7 Sec 3(d) to permit consideration of the Ashford amendment to LB 147.

Mr. Korshoj 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 Ashford motion to suspend the rules prevailed with 31 ayes, 3 nays, 9 present and not voting, and 6 excused and not voting.

The Ashford amendment, AM0891, 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 29 ayes, 0 nays, and 20 not voting.

The Ashford amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Conway	Hefner	McFarland	Schmit
Ashford	Coordsen	Johnson, L.	Moore	Warner
Baack	Crosby	Kristensen	Nelson	Wehrbein
Barrett	Dierks	Landis	Robak	Weihing
Bernard-Stevens	Goodrich	Langford	Rogers	Wesely
Byars	Hall	Lindsay	Schellpeper	Withem
	Hannibal			

Voting in the negative, 3:

Chambers	Haberman	Korshoj

Present and not voting, 8:

Beyer	Johnson, R.	Morrissey	Schimek	Smith
Elmer	Lamb	Peterson		

Excused and not voting, 7:

Beck	Hartnett	Lynch	Pirsch	Scofield
Chizek	Labedz			

Advanced to E & R for Engrossment with 31 ayes, 3 nays, 8 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 591. Placed on General File as amended.
Standing Committee amendments to LB 591:
AM1031

1. Insert the following new section:

"Sec. 2. That section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race ~~meeting~~ enclosure during a calendar year as follows:

(1) Commencing on July 1, 1987, and ending on December 31, 1990:

(a) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two percent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(b) For all other meets:

(i) The first ten million dollars shall not be taxed; ~~, except that for those race meetings that have taken the applicable exemption from parimutuel tax prior to May 30, 1987, this subdivision of subdivision (1)(b) shall not be applicable until January 1, 1988;~~

(ii) Any amount over ten million dollars but less than or equal to one hundred million dollars shall be taxed at the rate of two percent;

(iii) Any amount in excess of one hundred million dollars shall be taxed at the rate of five percent; and

(iv) An amount equal to two percent of the first taxable ninety million dollars at each race ~~meeting~~ enclosure during a calendar year shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in subdivisions (b)(ii) and (b)(iii) of this subdivision; and

(2) For meets commencing on or after January 1, 1991, any amount in excess of twenty million dollars shall be taxed at the rate of four percent.

The return required by the Tax Commissioner along with the net tax due pursuant to subdivisions (1) and (2) of this section shall be paid to the Department of Revenue on the ~~next-to-the-last business day of the month to allow for deposit in the General Fund on the last business day of each month during each race meeting.~~ tenth day of the following month. A return shall be filed for a race enclosure for each month during which wagers are accepted at the enclosure.".

2. On page 4, line 5, strike "except for", show as stricken, and insert "including wagers on simulcast and interstate simulcast races but excluding".

3. On page 5, line 19, after "present" insert "live" and after "racing" insert ", horse breeding,".

4. On page 6, line 6, strike "1 to 6" and insert "6 and 7"; and in line 12 strike "5 and 6" and insert "6 and 7".

5. On page 7, lines 1 and 14, strike "5 and 6" and insert "6 and 7".

6. On page 9, line 20, after "racetrack" insert "conducting primarily quarterhorse races in the year immediately preceding the year for which application is made and any racetrack"; in line 21 strike "which," and insert "conducting primarily thoroughbred horseraces"; in line 22 after "made" insert ", and which"; and in line 25 after the comma insert "unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster,".

7. On page 10, line 19, strike the period and insert "and whether it would expand the access to or availability of simulcasting to areas of the state or markets which are not at the time of the application fully served. Prior to approving any such application, the commission shall confer with and receive any recommendations of the organization which represents the majority of the thoroughbred breeders in Nebraska as to what effect an interstate simulcast would have upon horse breeding and horseracing in this state."; and in line 20 strike "5" and insert "6".

8. On page 12, line 2 strike "5" and insert "6"; and in line 8 after the comma insert "2-1208.01,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 751. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

Health and Human Services

LEGISLATIVE BILL 689. Placed on General File as amended.
Standing Committee amendments to LB 689:
AM0984

1. On page 2, line 14, strike "and"; after line 14 insert the following new subdivision:

"(3) State-owned or state-controlled property shall mean property owned or controlled by the state on which is located a building or facility or an addition to a building or facility constructed on or after the effective date of this act or the construction of which was commenced prior to such date and completed on or after such date; and"; and in line 15 strike "(3)" and insert "(4)".

2. On page 4, line 14, strike "or" and insert ", vending facilities operated by or on property under the jurisdiction of the Game and Parks Commission,"; and in line 15 after "Nebraska" insert "or the Nebraska state colleges, or vending facilities operated during the Nebraska State Fair".

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 63. Introduced by Chambers, 11th District.

WHEREAS, the Nebraska School for the Deaf will celebrate one hundred twenty years of service to the hearing-impaired children of the state on April 1; and

WHEREAS, since the school's opening on April 1, 1869, more than two thousand four hundred students have attended classes specially designed to meet the needs of deaf and hearing-impaired children; and

WHEREAS, throughout the school's existence, the school's curriculum has included many programs which have placed Nebraska in a leading position in early childhood education. Recently the school expanded course offerings in science, language arts, computer education, and vocational education to adapt to modern trends.

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

1. That the Legislature extends its congratulations for the achievements and accomplishments of the Nebraska School for the Deaf over the past one hundred twenty years.

2. That the Legislature extends its best wishes for the Nebraska School for the Deaf's future.

3. That a copy of this resolution be mailed to the Nebraska School for the Deaf.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 89022

DATE: March 24, 1989

SUBJECT: School lands. Constitutionality of legislative amendment to LB 807 which would abolish the in lieu of tax payment to schools in counties wherein school lands are located and substitute a formula diverting the income and interest on school funds and lands into the equalization portion of the School Foundation and Equalization Act.

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter of March 22, 1989, you state that you intend to offer an amendment to LB 807 of the Ninety-first Legislature, First Session (1989), which would abolish the in lieu of tax payment to schools in counties wherein school lands are located and substitute a formula diverting 20% of the income and interest earned on school funds and lands into the equalization portion of the School Foundation and Equalization Act and inquire if the amendment is constitutional. You acknowledge that not all school districts qualify for equalization aid pursuant to the Act cited.

Section 7 of the Act to enable the people of Nebraska to form a Constitution and State Government, and for the admission of the State of Nebraska into the Union on an equal footing with the original States, in part, provides:

> And be it further enacted, That sections number sixteen and thirty-six in every township . . . shall be, and are hereby granted to said state for the support of the common schools.

(U.S. Stat. at Large, vol. 13, p. 47). The people of Nebraska, of course, formed a Constitution and State Government and thereafter

by proclamation of then President Andrew Johnson, the State of Nebraska was admitted to the Union on March 1, 1867.

The law is well settled. A grant by Congress of land to a state for the benefit of the common schools is an absolute grant, vesting title for a specific purpose. Alabama v. Schmidt, 232 U.S. 168, 34 S.Ct. 301, 58 L.Ed.2d 555 (1914). Hence, Section 7 of the Enabling Act and section 9 of Article VII of the Constitution of Nebraska mandate that income from the unsold school lands "be exclusively used for the support and maintenance of the common schools in each school district in the state." As noted in your inquiry, some school districts do not receive funds pursuant to the equalization portion of the School Foundation and Equalization Act and therefore your above described amendment to LB 807 would, in our opinion, be unconstitutional.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
20-626-8

BILL ON FIRST READING

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

LEGISLATIVE BILL 683A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 683, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 147A. Mr. Schmit asked unanimous consent to bracket LB 147A until April 17, 1989. No objections. So ordered.

LEGISLATIVE BILL 224. E & R amendments, AM5282, found in the Journal on page 1022 for the Forty-Second Day, were adopted.

Pending.

MOTION - Adjournment

Mr. McFarland moved to adjourn until 9:00 a.m. March 28, 1989.

The motion to adjourn lost with 2 ayes, 18 nays, 22 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. Mr. Chambers asked unanimous consent to bracket LB 224 until tomorrow. No objections. So ordered.

Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 224 in the Journal. No objections. So ordered.

(1)

FA112
Page 2: STRIKE Sec. 2

(2)

FA113
Page 4, line 4, put a "period" after "State"; strike remaining language through line 17.

(3)

FA114
Page 5, Strike line 5.
Page 5, Strike lines 6-25 and line 1 on page 6.

(4)

FA115
Page 6, line 8 after "she", Strike all language through "(c)" in line 14
Page 6, line 19 after "training" insert "and"; after "experience", strike the "comma" and "and character"

(5)

FA116

Page 7, line 17, after "all" insert "judicially determined".

(6)

FA117

Page 9, line 20, starting with "A" strike all language through line 25, and lines 1-10 on page 10.

(7)

FA118

Page 10, Strike lines 11-22.

(8)

FA119

Page 11, Strike lines 11-25 and lines 1-6 on page 12

(9)

FA120

Page 12, Strike lines 7-21.

(10)

FA121

Page 12, Strike lines 22-25 and lines 1-9 on page 13.

(11)

FA122

Page 11, lines 11 & 12, Strike "may be required to", and insert "shall"; and strike lines 13-19.

In line 20, after "pay", insert "damages".

(12)

FA123

Page 14, Strike lines 5-22.

Mr. McFarland asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1074

1. on page 5, line 5, strike "transcripts,"; and in line 6 strike "professional" and insert "character".

2. On page 7, line 10, after "the" insert "aggregate penal"; and strike beginning with "approved" in line 24 through "or" in line 25.

3. On page 14, line 5, strike "(1)"; in line

7 strike the colon; in line 8 strike "(a) The" and
8 insert "the"; and strike beginning with the semicolon in
9 line 11 through line 22 and insert a period.

SELECT FILE

LEGISLATIVE BILL 587. E & R amendments, AM5088, found in the Journal on page 1059 for the Forty-Fourth Day, were adopted.

Mr. Haberman renewed his pending amendment, AM0953, found in the Journal on page 1254.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

The Haberman amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 733. E & R amendments, AM5090, found in the Journal on page 1176 for the Forty-Seventh Day, were adopted.

Mr. Wesely renewed his pending amendment, AM0871, found in the Journal on page 1146.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 84A. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 54.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 54

The following changes, required to be reported for publication in the Journal, have been made:
ER6140

1. In the Wehrbein amendment, AM0870, on page 1, the matter beginning with "Noncompliance" in line 6 through the first period in line 8 has been struck and "Action shall be taken for noncompliance with this subsection as provided in the Nebraska Pure Food Act for other violations." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Adjournment

Mr. Hall moved to adjourn until 9:00 AM on March 28, 1989.

The motion to adjourn lost with 8 ayes, 16 nays, 14 present and not voting, and 11 excused and not voting.

WITHDRAW - Amendment to LB 410

Mr. Hall withdrew his pending amendment, AM0757, found in the Journal on page 1318, to LB 410.

SELECT FILE

LEGISLATIVE BILL 410. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 414. Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were Garnet Johnson from Herman; Michelle Rabideaux from Bellevue; and Senator Byars' son, Mark Byars, from Beatrice.

ADJOURNMENT

At 5:04 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 28, 1989

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - MARCH 28, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Allen Vomhaf, St. Johns Lutheran, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chizek, Haberman, Hall, Hannibal, R. Johnson, Lindsay, Lynch, Moore, Morrissey, Warner, Mmes. Beck, Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 46, 49, 49A, 132, 145, 231A, 237, 250, 250A, 281, 378A, 379, 388, 408A, 412A, 418, 449, 449A, and 506.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 49

The following changes, required to be reported for publication in the Journal, have been made:
ER6141
1. In the Elmer amendment, FA96, the last "a" has been struck and "the" inserted.
2. In the Dierks amendment, AM0988, on page 1, line 12, an underscored comma has been inserted after "alleys"; and
3. In the Standing Committee amendments, AM0652:
a. On page 3, line 7, "specified in rules and regulations" has been inserted before "adopted" and "in rules and regulations" has been struck;
b. On page 4, line 12, "board" has been inserted after "which"; and
c. On page 7, line 22, "adopted and promulgated" has been struck and "included" inserted; and in line 23 "of" has been struck and "adopted and promulgated by" inserted.
4. On page 1, line 2, "2-956," has been inserted after "2-955,".

Enrollment and Review Change to LB 250

The following change, required to be reported for publication in the Journal, has been made:
ER6142
1. In the Schimek amendment, AM1001, on page 1, line 4, "of any year" has been inserted after "1".

Enrollment and Review Change to LB 281

The following changes, required to be reported for publication in the Journal, have been made:
ER6143
1. In the Lynch amendment, FA98, "For" has been struck and "of a" inserted.
2. In the Chambers amendment, FA35, "legislative" has been inserted after "this", underscoring has been inserted, and the amendment has been incorporated into LB 281 as section 2.
3. On page 1, line 5, after the semicolon insert "to provide for applicability of provisions:".
4. Original section 2 has been renumbered as section 3.

Enrollment and Review Change to LB 506

The following change, required to be reported for publication in the Journal, has been made:
ER6144
1. On page 34, line 10, "are" has been struck and "is" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT

Received report for modification to the Plan for the Job Training Partnership Act for the Greater Omaha Service Delivery Area, effective July 1, 1988 through June 30, 1990.

GENERAL FILE

LEGISLATIVE BILL 54A. Title read. Considered.

Mr. Weihing renewed his pending amendment, AM1046, found in the Journal on page 1324.

The Weihing amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Weihing 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 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 437. Title read. Considered.

Mr. McFarland renewed his pending amendment, AM1052, found in the Journal on page 1324.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The McFarland amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Mr. Wesely withdrew his pending amendment, AM0969, found in the Journal on page 1219.

Mr. Schmit offered the following amendment:
FA124
On page 7 line 1 after the "period" insert the following new language:
except that if at the end of the tax period the average number of jobs shall show an increase above those required by law

Messrs. Coordsen and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?"

Mr. McFarland moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

The motion to cease debate prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Bernard-Stevens	Dierks	Korshoj	McFarland	Schimek
Chambers	Haberman	Landis	Morrissey	Scofield
Conway	Hall	Lynch	Schellpeper	Wesely
	Hartnett			

Voting in the negative, 29:

Abboud	Byars	Johnson, L.	Moore	Schmit
Ashford	Crosby	Johnson, R.	Nelson	Smith
Baack	Elmer	Labedz	Peterson	Wehrbein
Barrett	Goodrich	Lamb	Pirsch	Weihing
Beck	Hannibal	Langford	Robak	Withem
Beyer	Hefner	Lindsay	Rogers	

Present and not voting, 1:

Chizek

Excused and not voting, 3:

Coordsen Kristensen Warner

Failed to advance to E & R for Review with 16 ayes, 29 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendments, AM0568, found in the Journal on page 887 for the Thirty-Fifth Day, were considered.

Mr. Hall renewed his pending amendment, AM0745, found in the Journal on page 1271, to the Standing Committee amendments.

The Hall amendment was adopted with 21 ayes, 0 nays, 26 present and not voting, and 2 excused and not voting.

Mr. Landis offered the following amendment to the Standing Committee amendments:
FA125
to strike §4 of Committee amendments.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 5:

Dierks	Landis	Lynch	Warner	Wesely

Voting in the negative, 31:

Abboud	Barrett	Bernard-Stevens	Byars	Elmer
Ashford	Beck	Beyer	Chizek	Goodrich
Baack			Crosby	Hannibal

Hefner	Labedz	Nelson	Schellpeper	Smith
Johnson, L.	Langford	Peterson	Schimek	Wehrbein
Korshoj	Lindsay	Pirsch	Scofield	Weihing
Kristensen	Morrissey	Rogers		

Present and not voting, 12:

Chambers	Hall	Lamb	Moore	Schmit
Conway	Hartnett	McFarland	Robak	Withem
Haberman	Johnson, R.			

Excused and not voting, 1:

Coordsen

The Landis amendment lost with 5 ayes, 31 nays, 12 present and not voting, and 1 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM0936, found in the Journal on page 1181, to the Standing Committee amendments.

MR. LAMB PRESIDING

Mr. Hefner requested a ruling of the Chair on whether the Labedz amendment is germane to the Standing Committee amendments.

The Chair ruled the Labedz amendment is not germane to the Standing Committee amendments.

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 26 ayes, 1 nay, and 22 not voting.

The Standing Committee amendments, as amended, were adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved to indefinitely postpone LB 335.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland withdrew his pending motion to indefinitely postpone.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for Review with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted no on LB 437.

(Signed) Doug Kristensen

ATTORNEY GENERAL'S OPINION

Opinion No. 89023

DATE: March 24, 1989

SUBJECT: School Funds. Whether a legislative act which would permit school districts to invest funds of the school district in repurchase agreements violates Neb. Const., Art. XIII, § 3.

REQUESTED BY: Senator D. Paul Hartnett
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

You have inquired if the repurchase agreements (repos) authorized by LB 379 of the Ninety-first Legislature, First Session (1989), violate Neb. Const. Art. XIII, § 3.

LB 379 would amend Neb.Rev.Stat. § 79-1308.01 (Reissue 1987) as follows:

(1) Any school district may by and with the consent of the board of education of the school district invest the funds of the

school district in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another. Every school district having invested in such securities shall deliver the same as funds of the office. The interest received on any investments authorized by this section shall be credited to the fund from which the money was taken to make the investment.

(2) The securities referred to in subsection (1) of this section may be invested in through repurchase agreements. Each repurchase agreement shall require that the items purchased through the repurchase agreement be subject to repurchase from the school district upon demand by the treasurer of the school district. No such repurchase agreement shall be entered into until the treasurer of the school district who proposes to enter into the repurchase agreement has received a perfected security interest in the securities as collateral for their prompt repurchase.

Sec. 2. That original section 79-1308.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.

LB 379 does not define the "securities" which school districts may purchase with funds of the school district nor does it define repos. LB 379 does limit "securities" to those "the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another." Thus, repos authorized by LB 379 are not limited to repos marketed to the public by national banks. It would therefore appear that repos authorized by LB 379 may be defined as written agreements whereby one party sells "securities" to another party with the understanding that at a future time certain the selling party will repurchase the securities at a stated higher price. It also appears that the only apparent legislative purpose in authorizing school districts to purchase repos is to maximize their return on funds which are not currently required for operational expenses of the school district.

Neb. Const. Art. XIII, § 3, in part declares: "The credit of the state shall never be given or loaned in aid of any individual, association, or constitution. . . ." In State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957), the Nebraska Supreme Court held that a violation of Neb. Const. Art. XIII, § 3, occurs only if there is both a lending of the credit of the State and if that lending is for a purpose which is not a public one. We are therefore of the opinion that the authority granted by LB 379 to school districts to purchase repos does not violate Neb. Const. Art. XIII, § 3, for the reason that the apparent purpose is entirely public: to maximize the return on investment of school funds. Obviously, the question of whether this

sort of investment is otherwise appropriate for school districts is for the Legislature to decide.

Conclusion

At the risk of stating the obvious, this opinion, which contains a limited analysis of repos, is not meant to be a legal "road map" to sellers and purchasers of repos. The subject is much too complicated to be dealt with here. This opinion is limited to the question asked. Repos, as authorized by LB 379, do not, in our opinion, violate Neb. Const. Art. XIII, § 3.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
20-58-2

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

AM1070

1. On page 6, strike lines 21 through 25 and insert

"(5) None of the incentives, refunds, or tax credits prescribed in this section shall be allowed to the taxpayer in any year in which the number of equivalent employees at the project or projects subject to the agreement at the end of the year is less than the taxpayer's base year number of equivalent employees at the same project or projects. This subsection shall apply only to applications submitted on or after January 1, 1989, and qualifying under subdivision (3)(b) of section 77-4104.".

2. On page 7, strike lines 1 and 2.

Mrs. Smith asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1089

1. On page 20, line 2, after "section" insert ", except that a licensed distributor may, without a permit and for the purposes of subdivision (2) of section 53-161, receive alcoholic liquor in this state which has been shipped from outside the state by a manufacturer in accordance with the Nebraska Liquor Control Act to the distributor, then transported by the distributor to another state for retail distribution, and then returned by the retailer to such distributor".

VISITORS

Visitors to the Chamber were representatives of the Council of Catholic Women from across the state; 49 fourth and sixth grade students and teacher from Highland Park Elementary School, Columbus; George and Katy Kilpatrick from Beatrice; and Bob Sweet from Oshkosh.

RECESS

At 12:06 p.m., on a motion by Mr. Hannibal, 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. Coordsen, Elmer, Haberman, Hannibal, Kristensen, Lynch, McFarland, Schmit, Warner, Withem, Mmes. Beck, Labedz, Pirsch, and Smith who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 335A. 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 705. Title read. Considered.

Standing Committee amendments, AM0595, found in the Journal on page 891 for the Thirty-Fifth Day, were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman offered the following amendment:
AM1102

1. On page 8, line 16, strike "or" and show as stricken; and in line 17 after "79" insert ", or natural resources district".

Mr. Lindsay requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Haberman amendment is not germane to the bill.

Mr. Haberman moved to indefinitely postpone LB 705.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich 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 Haberman motion to indefinitely postpone lost with 2 ayes, 16 nays, 25 present and not voting, and 6 excused and not voting.

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.

Advanced to E & R for Review with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 395. Title read. Considered.

Messrs. Schmit, Ashford, and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

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.

Advanced to E & R for Review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 720A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, Ninety-first Legislature, First Session, 1989.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendment, AM0546, found in the Journal on page 907 for the Thirty-Sixth Day, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Wehrbein, Haberman, Conway, Hall, Wesely, and Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

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.

Mrs. Nelson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Nelson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Baack	Bernard-Stevens	Chizek	Dierks	Korshoj
Barrett		Coordsen	Goodrich	Labedz
Beck	Byars	Crosby	Hefner	Lamb

Landis	Morrissey	Robak	Smith	Withem
Lindsay	Nelson	Schellpeper		

Voting in the negative, 8:

Hannibal	Kristensen	Schimek	Warner	Weihing
Johnson, L.	Pirsch	Scofield		

Present and not voting, 6:

Beyer	Hartnett	Moore	Peterson	Rogers
Elmer				

Excused and not voting, 13:

Abboud	Conway	Johnson, R.	McFarland	Wehrbein
Ashford	Haberman	Langford	Schmit	Wesely
Chambers	Hall	Lynch		

Failed to advance to E & R for Review with 22 ayes, 8 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

MOTION - Report LB 462 to General File

Mr. Lamb moved to compel the Chairman of the Health and Human Services Committee to report LB 462 to General File forthwith pursuant to rule 3 Sec 16(b).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem, Bernard-Stevens, and Baack asked unanimous consent to print the following amendment to LB 638 in the Journal. No objections. So ordered.

AM1110

1. Insert the following new section:

"Sec. 7. That section 79-803.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803.03. The board of education of a Class

III school district of which more than seventy-five percent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by the registered voters of the school district at the time of the statewide primary election as provided in section 79-803.07 and also may include one or more nonvoting student members selected pursuant to section 79-547.02. ~~Not less than seventy days prior to the holding of the election, there shall be nominated at a caucus held within the district, two or more candidates for each vacancy to be voted upon at an election to be held in conjunction with the statewide primary election, except that student members may be selected pursuant to section 79-547.02. Two members shall be elected at each general election for a term of six years. The governing body which calls the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks before the caucus. The notice shall state the date, time, place, and names of voting board members whose terms are to be filled. The chairperson of the caucus at which candidates are nominated shall certify to the secretary of the board of education the names of the candidates so nominated not later than two days following the caucus. The secretary of the board of education shall then notify the persons so nominated of their nomination. such notification to take place not later than five days after such caucus. No candidate nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she shall have filed with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the proper election official who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.~~".

2. On page 16, line 14, after the last comma insert "79-803.03,".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 64. Introduced by Schmit, 23rd District.

WHEREAS, His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America on April 1, 1989, has completed thirty years from the day of his enthronement and, on November 25, 1989, fifty-five years from the day of his Ordination to the Holy Diaconate; and

WHEREAS, in his archpastoral ministry he has been an admirable role model for American Greek Orthodox Christians and thoroughly committed to the vital democracy of his adopted country without forfeiting the ageless values of Greek culture or abandoning Greek Orthodoxy's spiritual and ecclesiastical roots; and

WHEREAS, his moral and religious guidance has inspired many to strive for the attainment of social justice, racial equality, and human rights for all people; and

WHEREAS, Archbishop Iakovos, the dean of American religious leaders, for over three decades has served his Church with extraordinary zeal and dedication, traveling throughout the width and breadth of the Americas, initiating reforms, and spreading Orthodoxy; and

WHEREAS, more than five hundred fifty parishes of the Greek Orthodox Church in the Americas, comprised of over two million communicants, will mark the thirtieth anniversary of the enthronement of archbishop Iakovos with a year long celebration of the achievements of Greek Orthodoxy itself in the Western Hemisphere.

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

1. That the Nebraska Legislature does hereby commemorate the thirtieth anniversary of His Eminence Archbishop Iakovos.

2. That the accomplishments of the Greek Orthodox Church in the Americas as a vital and integral member of the religious community of the United States and this State of Nebraska are hereby commended and recognized.

3. That a copy of this resolution shall be sent to Archbishop Iakovos.

Laid over.

VISITORS

Visitors to the Chamber were 15 high school students and teacher from Alma; and 16 seniors and teacher from Stapleton.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 29, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 29, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Kenneth Baker, Fellowship Baptist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Haberman, Landis, Lindsay, Lynch, Moore, Wesely, Mmes. Labedz, Nelson, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 63. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 63. Read. Considered.

LR 63 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Reconsider Action on LB 262

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1258, to reconsider the Baack-Bernard-Stevens-Conway amendment, AM0744, found in the Journal on page 1015 and considered on page 1218, to LB 262.

The Bernard-Stevens motion to reconsider prevailed with 26 ayes, 0 nays, and 23 present and not voting.

GENERAL FILE

LEGISLATIVE BILL 262. The Baack-Bernard-Stevens-Conway amendment, AM0744, found in the Journal on page 1015 and considered on page 1218, was reconsidered.

The pending Baack-Bernard-Stevens-Conway amendment was adopted with 26 ayes, 12 nays, and 11 present and not voting.

Mr. Beyer renewed his pending motion, found in the Journal on page 1219, to indefinitely postpone LB 262.

Mr. Beyer moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beyer requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 19:

Barrett	Crosby	Korshoj	Peterson	Scofield
Beyer	Elmer	Lamb	Pirsch	Smith
Byars	Haberman	McFarland	Rogers	Warner
Chambers	Hefner	Nelson	Schimek	

Voting in the negative, 26:

Abboud	Chizek	Johnson, L.	Langford	Robak
Ashford	Conway	Johnson, R.	Lindsay	Schmit
Baack	Coordsen	Kristensen	Lynch	Weihing
Beck	Goodrich	Labedz	Moore	Wesely
Bernard-Stevens	Hall	Landis	Morrissey	Withem
	Hannibal			

Present and not voting, 4:

Dierks	Hartnett	Schellpeper	Wehrbein

The Beyer motion to indefinitely postpone lost with 19 ayes, 26 nays, and 4 present and not voting.

The Chair declared the call raised.

Messrs. Ashford and Lindsay renewed their pending amendment, AM0108, found in the Journal on page 1226.

MRS. LABEDZ PRESIDING

The Ashford-Lindsay amendment was adopted with 31 ayes, 1 nay, and 17 present and not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Conway	Johnson, L.	Lynch	Schellpeper
Baack	Coordsen	Kristensen	Moore	Schmit
Beck	Goodrich	Labedz	Morrissey	Weihing
Bernard-Stevens	Hall	Langford	Nelson	Wesely
Chizek	Hartnett	Lindsay	Pirsch	Withem

Voting in the negative, 20:

Abboud	Crosby	Korshoj	Peterson	Scofield
Barrett	Elmer	Lamb	Robak	Smith
Byars	Haberman	Landis	Rogers	Warner
Chambers	Hefner	McFarland	Schimek	Wehrbein

Present and not voting, 4:

Beyer	Dierks	Hannibal	Johnson, R.

Advanced to E & R for Review with 25 ayes, 20 nays, and 4 present and not voting.

The Chair declared the call raised.

Messrs. Barrett, McFarland, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LB 188 on General File

Messrs. Withem and Schmit moved to suspend Rule 3, Section 17 and place LB 188 on General File notwithstanding the action of the Education Committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

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

Dear Speaker Barrett:

Pursuant to Rule 3, Section 19(b) I am filing with you as Speaker of the Legislature a motion that the Chairman of the Health and Human Services Committee be compelled to file the committee's report on LB 462.

Mr. Landis asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM1071

1. Strike original section 45 and insert the following new sections:

"Sec. 45. (1) All unclaimed funds subject to distribution remaining in the liquidator's hands when he or she is ready to apply to the court for discharge, including the amount distributable to any creditor, shareholder, member, or other person who is unknown or cannot be found, shall be deposited with the district court and shall be paid without interest, except in accordance with section 42 of this act, to the person entitled thereto or his or her legal representative upon proof satisfactory to the district court of his or her

right thereto. Any amount on deposit not claimed within three years from the date such amount was paid to the district court shall be presumed abandoned and shall be subject to the Uniform Disposition of Unclaimed Property Act.

(2) All funds withheld under section 37 of this act and not distributed shall, upon discharge of the liquidator, be deposited with the district court and paid by the district court in accordance with section 42 of this act. Any sums remaining which under section 42 of this act would revert to the undistributed assets of the insurer shall be presumed abandoned and shall be subject to the act.

Sec. 77. That section 44-3519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3519. Any supervision, rehabilitation, conservation, dissolution, or liquidation of a service company subject to ~~the provisions of~~ sections 44-3501 to 44-3519 shall be ~~under the supervision of the department, which shall have all powers with respect to such dissolution or liquidation granted to it under the laws of this state with respect to the dissolution and liquidation of property and casualty insurance companies~~ conducted pursuant to the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.".

2. On page 4, line 21, strike "and"; in line 23 strike the period and insert an underscored semicolon; and after line 23 insert the following new subdivisions:

"(7) All health maintenance organizations subject to the Model Health Maintenance Organization Act;

(8) All legal service insurance corporations subject to Chapter 44, article 33;

(9) All service companies subject to Chapter 44, article 35;

(10) All prepaid dental service corporations subject to Chapter 44, article 38; and

(11) All prepaid limited health service organizations subject to the Prepaid Limited Health Service Organization Act.".

3. On page 7, strike lines 21 and 22 and insert:

"(a) For an insurer formed under Chapter 44, article 8:".

4. On page 8, strike line 10 and insert "to be maintained; or"; in line 12 after the semicolon insert "and"; strike lines 13 through 21; and in line 22 strike "(d)" and insert "(c)".

5. On page 14, line 16, after "through" insert "a management contract or".

6. On page 16, strike beginning with "be" in line 13 through "(3)" in line 16; and in line 17 strike "(4)" and insert "(3)".

7. On page 18, strike line 20; in line 22 strike the period and insert "; or"; and after line 22 insert the following new subdivision:

"(i) Write or renew any insurance business.".

8. On page 19, line 5, strike the second "section" and insert "act".

9. On page 27, line 18, after "statute" insert "or by rule or regulation".

10. On page 29, strike beginning with "In" in line 13 through line 20.

11. On page 38, strike beginning with the period in line 9 through "insurer" in line 16.

12. On page 44, line 8, after "telegram" insert ", electronic mail, facsimile,".

13. On page 63, line 3, strike "last" and insert "late".

14. On page 67, line 6, after the period insert "An agent, broker, premium finance company, or any other person, other than the insured, responsible for the payment of a premium shall not be obligated to pay the unpaid unearned premium due the insurer at the time of the declaration of insolvency as shown on the records of the insurer, and any such unearned premium in the possession of such agent, broker, premium finance company, or other person at such time shall be returned promptly by such agent, broker, premium finance company, or other person to the insured or other person from whom it was received.".

15. On page 80, line 24, strike "and".

16. On page 81, line 2, after the semicolon insert "and"; and after line 2 insert the following new subdivision:

"(g) The expenses of examinations conducted

pursuant to sections 44-107 to 44-107.03:".

17. On page 100, line 8, strike "deemed" and show as stricken; in line 9 strike "insolvent", "and shall be", and "as an" and show as stricken; and in line 10 strike "insolvent company" and show as stricken.

18. On page 101, lines 12 and 24, strike "12" and insert "9, 12,"; in line 14 after "may" insert "suspend or"; in line 17 after "of" insert "suspension or"; in line 23 after "Whenever" insert "the authority of a foreign or alien company to do business is suspended or revoked by its state of domicile or state of entry into the United States or whenever"; in line 24 after "to" insert "a"; and in line 25 strike "companies", show as stricken, and insert "company".

19. On page 102, line 1, strike "shall", show as stricken, and insert "may suspend or"; and in line 2 after "of" insert "suspension or".

20. On page 104, line 16, strike "deemed" and show as stricken; in line 17 strike "insolvent and shall be" and "as an insolvent" and show as stricken; and in line 18 strike "company" and show as stricken.

21. On page 113, line 11, strike "12" and insert "9, 12,".

22. On page 124, lines 16 and 18, before "rehabilitation" insert "supervision,"; in line 20 strike "under the supervision of the director" and show as stricken; and strike beginning with "law" in line 21 through line 25, show the old matter as stricken, and insert "Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.".

23. On page 125, strike lines 1 through 4 and show the old matter as stricken; in lines 8 and 21 after "Any" insert "supervision, rehabilitation, conservation," and after "dissolution" insert an underscored comma; strike beginning with "under" in line 10 through line 17, show the old matter as stricken, and insert "pursuant to the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act."; and strike beginning with "under" in line 23 through line 25, show the old matter as stricken, and insert "pursuant to the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.".

24. On page 126, strike lines 1 through 5 and show the old matter as stricken; and in line 14 after

the second comma insert "44-3519,".

25. Renumber the remaining sections accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM0993

1. Insert the following new section:

"Sec. 2. Every health insurance policy providing hospital expense benefits to any policyholder or other person covered thereunder for expenses incurred in connection with the treatment of routine bleeding episodes associated with hemophilia shall provide benefits for expenses incurred in connection with the purchase of blood products and blood infusion equipment required for home treatment of such routine bleeding episodes associated with hemophilia when the home treatment program is under the supervision of a state approved hemophilia treatment center. The benefits shall be provided to the same extent as for any sickness under the policy.

For purposes of this section, blood product shall include, but not be limited to, Factor VIII, Factor IX, and cryoprecipitate and blood infusion equipment shall include, but not be limited to, syringes and needles.".

GENERAL FILE

LEGISLATIVE BILL 569. Title read. Considered.

Standing Committee amendments, AM0554, found in the Journal on page 908 for the Thirty-Sixth Day, were considered.

Mr. Withem renewed his pending amendment, AM1012, printed separately from the Journal and referred to on page 1303, to the Standing Committee amendments.

The Withem amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 569A. Title read. Considered.

Mr. Moore asked unanimous consent to be excused until he 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.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 606. Title read. Considered.

Standing Committee amendments, AM0571, found in the Journal on page 957 for the Thirty-Eighth Day, were considered.

SPEAKER BARRETT PRESIDING

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis withdrew his pending amendment, AM0545, found in the Journal on page 859.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Standing Committee amendment, AM0492, found in the Journal on page 960 for the Thirty-Ninth Day, was considered.

Mrs. Robak renewed her pending amendment, AM0764, found in the Journal on page 1147, to the Standing Committee amendment.

The Robak amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mrs. Crosby and Mr. McFarland 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, 38:

Abboud	Byars	Hartnett	Langford	Schimek
Ashford	Chizek	Hefner	Lindsay	Schmit
Baack	Conway	Johnson, L.	Lynch	Smith
Barrett	Coordsen	Johnson, R.	Morrissey	Warner
Beck	Goodrich	Korshoj	Nelson	Weihing
Bernard-Stevens	Haberman	Kristensen	Pirsch	Wesely
	Hall	Labedz	Robak	Withem
Beyer	Hannibal	Landis	Schellpeper	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Elmer	Lamb	Scofield	Wehrbein
Dierks				

Excused and not voting, 5:

Crosby	McFarland	Moore	Peterson	Rogers

Advanced to E & R for Review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 681. Title read. Considered.

Standing Committee amendments, AM0608, printed separately from the Journal and referred to on page 970 for the Thirty-Ninth Day, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 89A in the Journal. No objections. So ordered.

AM1124

1. On page 2, line 5, after the first comma insert "to the Educational Excellence Fund, which fund is hereby appropriated".

VISITORS

Visitors to the Chamber were 44 fourth grade students and teachers from Northside and Washington elementary schools, Fremont; 14 sixth grade students and teacher from Overton; 16 fourth grade students and teacher from Murdock; Inoussa Bouraima, Komi Mewonawovo Folly Teko, Koffi Baeta, Teyougnima Kougouloua from the Republic of Togo, and Souad Demiray from the U.S. Department of State.

RECESS

At 11:59 a.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Lynch, and Rogers who were excused; and Messrs. Abboud, Bernard-Stevens, Goodrich, Haberman, Landis, McFarland, Schellpeper, Schmit, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 78. Title read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0671, found in the Journal on page 976 for the Thirty-Ninth Day, were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 438. Title read. Considered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 438. No objections. So ordered.

Mr. Baack offered the following amendment:
AM1129

1. Insert the following new sections:

"Sec. 2. That section 79-1902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1902. The purpose of the Nebraska School for the Deaf shall be to provide general and special education for persons not to exceed twenty-one years of age who cannot receive an appropriate special education program in their resident school district, as provided for in section 79-3320, for whose benefit such school was created, until completion of a general or special program. The Nebraska School for the Deaf shall assist and support school districts in developing appropriate programs closer to the handicapped student's residence, as set forth in section 79-3342.

Sec. 5. That section 79-1907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1907. The parents or guardians of any pupil admitted to the Nebraska School for the Deaf shall furnish suitable clothing for such pupil~~, shall pay his transportation to and from the school,~~ and shall support the pupil during the summer vacation.

Sec. 10. That section 79-2002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2002. The purpose of the Nebraska School

for the Visually Handicapped shall be to provide general and special education for persons not to exceed twenty-one years of age who cannot receive an appropriate special education program in their resident school district, as provided for in section 79-3320, for whose benefit such school was created, until completion of a general or special program. The Nebraska School for the Visually Handicapped shall assist and support school districts in developing appropriate programs closer to the handicapped student's residence, as set forth in section 79-3342. The school shall be the state resource center for all educational programs for visually handicapped children in Nebraska and shall provide services such as inservice training of teachers, itinerant teaching, counseling services, the loan of equipment, books and learning media to local school districts and educational service units.

Sec. 14. That section 79-2006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2006. The parents or guardians of any pupil admitted to the Nebraska School for the Visually Handicapped shall furnish suitable clothing for such pupil~~, shall pay his transportation to and from the school,~~ and shall support the pupil during the summer vacation.".

2. On page 10, line 21, strike "acoustically handicapped", show as stricken, and insert "hearing impaired"; in line 23 strike the first comma, show as stricken, and insert "and"; and strike beginning with the second comma in line 23 through "character" in line 24 and show as stricken.

3. On page 11, line 17, reinstate the stricken comma; strike beginning with the first "or" in line 17 through the comma in line 18 and show the old matter as stricken; and strike beginning with "and" in line 20 through "transportation" in line 21 and show as stricken.

4. On page 14, line 15, after the first comma insert "and" and after "capacity" insert an underscored period; and strike beginning with the second comma in line 15 through line 16 and show the old matter as stricken.

5. On page 15, line 17, reinstate the

stricken comma; strike beginning with "or" in line 17 through the comma in line 19 and show the old matter as stricken; and in line 21 strike "and means of transportation" and show as stricken.

6. On page 19, line 7, after the first comma insert "79-1902,"; in line 8 after the second comma insert "79-1907," and after the final comma insert "79-2002,"; and in line 9 after the third comma insert "79-2006,".

7. Renumber remaining sections accordingly.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

The Baack amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 438A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 588. Title read. Considered.

Standing Committee amendments, AM0777, printed separately from the Journal and referred to on page 1049 for the Forty-Third Day, were considered.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz offered the following amendment to the Standing Committee amendments:

AM1125

(Amendments to Standing Committee amendments, AM0777)

1. Strike beginning on page 1, line 3 through page 13, line 11, and insert

"Section 1. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. (1) Each county, under commissioner organization, having not more than three hundred thousand inhabitants, shall be divided into three

districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150, which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five. Such districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county. District boundary lines shall not be ~~and not~~ subject to alteration more often than once in four years. One commissioner shall be nominated and elected ~~by each of said districts,~~ from each district but shall be elected by the ~~qualified electors~~ registered voters of the entire county in counties having a population ~~in excess of~~ of more than one hundred thousand.

(2) In counties having more than three hundred thousand inhabitants, the establishment of district boundary lines pursuant to this section shall be completed not later than December 1, 1991, or within one year after the county attains a population of more than three hundred thousand inhabitants, whichever occurs later.

(3) The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session. In counties having more than three hundred thousand inhabitants, and in counties where a majority have voted for five commissioners, ~~(1)~~ (a) counties which elect members of the board on an at-large basis shall continue to appoint and elect additional members at large, and ~~(2)~~ (b) in counties which elect by district, it shall be the duty of the county board of such county, at ~~their~~ its first meeting after the publication of the state or federal census, or after an election deciding to have five commissioners, to divide ~~said~~ the county into five commissioner districts, as provided by law.

(4) The three commissioners of such county whose terms of office will expire after ~~said~~ the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed, pursuant to section 32-1040, to

serve until the first Thursday after the first Tuesday in January following the next general election. At such next general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings will be accepted for ~~a term~~ terms of two years and for ~~a term~~ terms of four years so that two members will be elected to four-year terms at one election and three members will be elected to four-year terms at the next election. Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. ~~After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section.~~ Nothing in this section shall be construed to prohibit the reelection of commissioners currently holding office ~~as long as~~ if such commissioner is reelected to represent his or her respective district.

Sec. 2. This act shall become operative on January 1, 1991.

Sec. 3. That original section 23-151, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

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. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The Labedz amendment was adopted with 21 ayes, 20 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Smith moved to reconsider the Labedz amendment, AM1125, to LB 588.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Pending.

EASE

The Legislature was at ease from 3:45 p.m. until 3:58 p.m.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely, Landis, and Hartnett asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1109.)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 741A. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 741, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 678A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, First Session, 1989; to provide for a transfer of funds; and to reappropriate funds.

VISITORS

Visitors to the Chamber were Wilmer and Milli Moseman from Oakland.

ADJOURNMENT

At 4:00 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - MARCH 30, 1989

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - MARCH 30, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 1989

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. James Carmon, Old Cheney Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Lynch, Schmit, and Mrs. Crosby who were excused; and Messrs. Byars, Chambers, Hannibal, Hartnett, R. Johnson, Kristensen, Lamb, Landis, Lindsay, McFarland, Peterson, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 54A. Placed on Select File.

LEGISLATIVE BILL 335. Placed on Select File as amended.
E & R amendments to LB 335:
AM7003

1. In the Standing Committee amendments, AM0568, on page 2, line 20, strike the comma.

2. On page 1, line 2, strike "section" and insert "sections"; in line 3 after the second comma insert "77-27,188.01, 77-27,188.02, and 77-27,191,"; in line 5 strike "an"; and in line 6 strike "date" and insert "dates" and strike "section" and insert "sections".

LEGISLATIVE BILL 335A. Placed on Select File.

LEGISLATIVE BILL 705. Placed on Select File as amended.
E & R amendments to LB 705:
AM7004

1. On page 1, line 5, after the first semicolon insert "to provide an operative date;".

2. On page 9, line 10, strike "Veterans' Administration of the" and show as stricken; and in line 11 after "States" insert "Department of Veterans Affairs".

3. On page 11, line 1, strike the comma; and in line 5 strike "effective" and insert "operative".

LEGISLATIVE BILL 395. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 65. Introduced by Wesely, 26th District; Schellpeper, 18th District; Goodrich, 20th District; Crosby, 29th District; Dierks, 40th District; Byars, 30th District.

PURPOSE: The purpose of this study is to evaluate the regulation of family day care homes in Nebraska. More than half of Nebraska's children receiving child care outside of their home are receiving services in family day care homes. Concern has been expressed as to the effectiveness and appropriateness of the current statutes and rules and regulations which are intended to protect children in family day care homes. Concern has also been expressed as to whether certain

regulations are overly burdensome to family day care providers while not contributing to the quality of care. The study shall include, but not be limited to, the following issues:

1. A review of the current statutes governing family day care in Nebraska.

2. A review of the current rules and regulations concerning family day care in Nebraska.

3. Improvements and alternatives to the current regulatory process.

4. An examination of how other states regulate family day care.

5. The needs of both urban and rural Nebraskans for additional family day care services.

6. How the State Legislature can encourage and assist the establishment of family day care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 be authorized to conduct public hearings across Nebraska regarding this study.

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 63.

GENERAL FILE

LEGISLATIVE BILL 706. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 75. 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 359. Title read. Considered.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved to indefinitely postpone LB 359.

Pending.

Messrs. Hefner and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

GENERAL FILE

LEGISLATIVE BILL 548. Title read. Considered.

MR. L. JOHNSON PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 582. Title read. Considered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 582A. 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 240. 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 790. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 777. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 44. Title read. Considered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Chizek	Johnson, L.	Morrissey	Smith
Ashford	Conway	Johnson, R.	Nelson	Wehrbein
Baack	Coordsen	Labedz	Pirsch	Weihing
Beck	Dierks	Landis	Robak	Wesely
Bernard-Stevens	Elmer Hall	Lindsay	Schellpeper	Withem

Voting in the negative, 4:

Hannibal	Moore	Scofield	Warner

Present and not voting, 10:

Barrett	Byars	Haberman	Lamb	Peterson
Beyer	Goodrich	Korshoj	Langford	Schimek

Absent and not voting, 1:

Chambers

Excused and not voting, 8:

Crosby	Hefner	Lynch	Rogers	Schmit
Hartnett	Kristensen	McFarland		

Advanced to E & R for Review with 26 ayes, 4 nays, 10 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 44A. 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 637. Title read. Considered.

Mrs. Labedz and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his pending amendment, AM0877, found in the Journal on page 1191.

Mr. Withem renewed his pending amendment, AM0878, printed separately from the Journal and referred to on page 1191.

Mr. Hall 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.

The Withem amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 465. Placed on General File.
LEGISLATIVE BILL 552. Placed on General File.
LEGISLATIVE BILL 554. Placed on General File.
LEGISLATIVE BILL 565. Placed on General File.
LEGISLATIVE BILL 579. Placed on General File.

LEGISLATIVE BILL 719. Placed on General File as amended.
Standing Committee amendment to LB 719:
AM1115

1. On page 4, line 3, strike "twenty-five" and insert "fifty".

LEGISLATIVE BILL 769. Placed on General File as amended.
Standing Committee amendments to LB 769:
AM1035

1. Strike original sections 3, 4, 6, and 7 and insert the following new sections:

"Sec. 3. (1) If a pregnant woman elects not to notify her parent, a judge of a district court, separate juvenile court, or county court sitting as a juvenile court shall, upon petition or motion and after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion. If the court determines that the pregnant woman is not mature or if the pregnant woman does not claim to be mature, the court shall determine whether the performance of an abortion upon her without notification of her parent would be in her best interests and shall authorize a physician to perform the abortion without such notification if the court concludes that the pregnant woman's best interests would be served thereby.

(2) A pregnant woman who is subject to this section may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise the pregnant woman that she has a right to court-appointed counsel and shall, upon her request, provide her with such counsel.

(3) Proceedings in court pursuant to this

section shall be anonymous and confidential and shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay to serve the best interests of the pregnant woman. In no case shall the court fail to rule within three judicial days from the time of the filing of the petition or motion. The judge of the court conducting the proceedings pursuant to this act shall make written findings of fact and conclusions of law supporting the evidence, including his or her own findings and conclusions.

Sec. 4. An appeal to the Supreme Court shall be available to any pregnant woman for whom a court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification shall not be subject to appeal. All appeals under this act shall be to the Supreme Court, and the pregnant woman shall have the right of an anonymous and expedited appeal. The Supreme Court shall give such appeal precedence over pending matters and shall adopt and promulgate rules to ensure that the proceeding under this section is handled in an anonymous and expeditious manner.".

2. On page 2, line 7, after "woman" insert ", except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as an abortion"; in line 13 strike "and" and insert the following new subdivision:

"(3) Physician or attending physician shall mean the physician intending to perform the abortion; and"; in line 14 strike "(3)" and insert "(4)"; and in line 15 strike "minor" insert "woman under nineteen years of age".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 108. Indefinitely postponed.
LEGISLATIVE BILL 484. Indefinitely postponed.
LEGISLATIVE BILL 553. Indefinitely postponed.
LEGISLATIVE BILL 626. Indefinitely postponed.
LEGISLATIVE BILL 699. Indefinitely postponed.
LEGISLATIVE BILL 806. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Revenue

LEGISLATIVE BILL 581. Placed on General File as amended.
Standing Committee amendments to LB 581:
AM1140

1. On page 12, line 13, reinstate the stricken "not"; and in line 16 after "auctioneer" insert "except sales of farm machinery and equipment".

2. On page 19, lines 11 through 21, strike the new matter and reinstate the stricken matter.

3. On page 21, lines 5 and 6, strike the new matter and reinstate the stricken matter; and in line 12 reinstate "auctioneers".

4. On page 28, line 22, strike "September" and insert "October".

LEGISLATIVE BILL 707. Placed on General File as amended.
Standing Committee amendments to LB 707:
AM1139

1. On page 4, lines 8 and 9, strike the new matter and reinstate the stricken matter.

2. On page 6, line 20, strike "in connection with" and insert "at the time of"; and in line 21 after "vehicle" insert "which functions as a discount from the sales price of the motor vehicle".

3. On page 7, strike lines 7 through 10; in line 11 strike "(vi)" and insert "(v)"; in line 18 strike "(vii)" and insert "(vi)"; in line 22 strike "(viii)" and insert "(vii)"; and strike line 25.

4. On page 8, strike lines 1 through 4; in line 5 strike "(x)" and insert "(ix)"; and in line 13 strike "(xi)" and insert "(x)".

5. On page 25, line 3, strike "in connection with" and insert "at the time of"; in line 4 after "vehicle" insert "which functions as a discount from the sales price of the motor vehicle"; strike lines 15 through 18; and in line 19 strike "(vi)" and insert "(v)".

6. On page 26, line 1, strike "(vii)" and insert "(vi)"; in line 4 reinstate the stricken "or"; in line 5 strike "(viii)" and insert "(vii)"; and strike beginning with "or" in line 7 through line 12.

7. Strike original section 2.

8. On page 42, line 24, strike "sections" and insert "section" and strike "and"; and in line 25 strike "77-2703" and strike "are" and insert "is".

9. Renumber the remaining section accordingly.

(Signed) Tim Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 66. Introduced by Rogers, 41st District.

WHEREAS, the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska, also known as the Twin Loup Project, has been in existence for forty years and will provide irrigation and recreation in North Central Nebraska; and

WHEREAS, this project has had the support of three previous Governors and is supported by Governor Kay Orr; and

WHEREAS, the project is presently about 74% completed and the remaining 26% will add 20,000 acres to the project; and

WHEREAS, the Davis Creek portion of the project is only half complete and will cost 60% to 70% as much to shut down as to complete; and

WHEREAS, the remaining 20,000 acres are crucially needed to keep the project viable to repay the Federal Government; and

WHEREAS, the President's FY '90 budget appropriated $6,030,000 of the $22,740,030 needed to continue the project; and

WHEREAS, the majority of the cost of the project has already been expended to build the Calamus Dam and Canal to Davis Creek.

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

1. That the Nebraska Unicameral Legislature supports the Twin Loup Project.

2. That the Nebraska Unicameral Legislature urges the respective subcommittees on Energy and Water Development of the Appropriations Committees of the Senator and House of Representatives to appropriate sufficient funds in FY 1990 to continue the project and complete the Davis Creek Dam.

3. That copies of this resolution, suitably engrossed, be transmitted to Congresswoman Virginia Smith and be presented to the respective Appropriations Committees of the House of Representatives and the Senate.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 29, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Moody, Randall - Lincoln	Concerned Citizens of Boyd, Nemaha and Nuckolls Counties
Pappas, James E. - Lincoln	Nebraska Pharmacy Network
Radcliffe, Walter/Tews & Radcliffe	
Radcliffe, Walter H. - Lincoln	Nebraska Pharmacy Network

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 285A in the Journal. No objections. So ordered.

AM1121

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $20,000 from the Transportation Services Bureau Revolving Fund for the period July 1, 1989, to June 30, 1990, to the Department of Administrative Services, for Program 180, to aid in carrying out the provisions of Legislative Bill 285, Ninety-first Legislature, First Session, 1989.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 2, line 3, strike "$78,000" and insert "$306,100"; in line 4 strike "$336,580" and insert "$422,520"; in line 5 strike "$75,000" and insert "$262,940"; and in line 6 strike "$256,900" and insert "$203,000".

3. Renumber the remaining section accordingly.

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

AM0983

1. On page 3, line 7, strike "who" and insert ". The lead contractor"; in line 13 strike "may" and insert "shall"; and strike beginning with "contractors" in line 15 through line 16 and insert "existing organizations with experience in the delivery and coordination of economic development programs in the state.".

2. On page 5, strike beginning with "adopt" in line 23 through "regulations" in line 24 and insert "establish guidelines"; and in line 25 strike "rules".

3. On page 6, line 1, strike "and regulations" and insert "guidelines"; and in line 6 after the comma insert "geographic distribution of local network offices to ensure maximum feasible access by all businesses throughout the state, prior experience of the applicant in the delivery of similar programs designed to strengthen local economies,".

4. On page 7, lines 1 and 3, strike "twenty-five" and insert "seventy-five"; in line 11 strike "fund" and insert "Nebraska Connection Network Fund"; in line 12 strike "(1)"; in line 13 strike "section 8" and insert "sections 8 and 9" and strike "(2)" and insert "for"; and in line 14 after the period insert "Of the amounts appropriated annually, one hundred twenty-five thousand dollars shall be made available for grants to be awarded pursuant to sections 8 and 9 of this act, and fifty thousand dollars shall be made available to the lead contractor without consideration as to matching funds.".

MOTION - Introduce New Bill

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1215.

Laid over.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3 Sections 4(e) and 13, and Rule 6, Section 1, to place Req. 1215 on General File.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 546. 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 87. 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 220. Title read. Considered.

MR. LANDIS PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 372. Title read. Considered.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 399. Title read. Considered.

Messrs. Barrett and Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The motion to cease debate prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 401. 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 608. Title read. Considered.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 482. Title read. Considered.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Mr. Korshoj asked unanimous consent to be excused until he 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 392. Title read. Considered.

MRS. LABEDZ PRESIDING

Advanced to E & R for Review with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 99. 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 323. Title read. Considered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 143. 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 213. 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 381. Title read. Considered.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 423. Title read. Considered.

Mr. Wehrbein asked unanimous consent to be excused. 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.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 509. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 793. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 605. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 present and not voting.

MR. LANDIS PRESIDING

LEGISLATIVE BILL 135. Title read. Considered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?"

Mr. Elmer moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 756. 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 206. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 669. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 486. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 487. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 487A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 488. Title read. Considered.

Mr. Hefner 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.

LEGISLATIVE BILL 488A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 228. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 228A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 627. 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 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 508. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 566. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Wesely, 26th District.

WHEREAS, the young children of our state have been identified as one of our most precious resources; and

WHEREAS, all children have needs and rights and deserve quality child care to promote their well-being; and

WHEREAS, the increased participation of women in the work force has heightened the demand for quality and affordable child care; and

WHEREAS, child care providers and teachers in homes, in centers, and in preschools make an important contribution to the lives and future of our children.

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

1. That the Legislature commends Nebraska child care providers and teachers for their continued commitment and dedication to the care and education of our young children.

2. That the Legislature recognizes the importance of quality and affordable child care for the citizens of Nebraska.

3. That the Legislature hereby declares the week of April 2-8, 1989, as the Week of the Young Child in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1153

1. On page 4, lines 20 and 24; page 7, line 20; page 10, line 22; and page 11, lines 1, 16, and 20, after "situated" insert "Nebraska".

2. On page 9, line 1, after the first comma insert "audited" and after "or" insert "audited"; and in line 3 after "agreement" insert ". A supplier may require profit and loss statements, balance sheets, or financial records which are certified by the wholesaler or an officer thereof".

3. On page 11, lines 14 and 15, strike "similarly situated".

4. On page 24, line 24, strike "(1)"; and in

line 25 strike "(a)" and insert "(1)".

5. On page 25, line 2, strike "(b)" and insert "(2)"; in line 3 strike "(c)" and insert "(3)"; and strike lines 17 through 25.

6. Strike beginning with page 26, line 1, through page 28, line 12.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 78 in the Journal. No objections. So ordered.

AM1142

1. Insert the following new sections:

"Sec. 27. That section 88-530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-530. Each applicant shall show sufficient net worth or stockholders' equity to conform with the financial requirements which the commission shall establish by the adoption and promulgation of rules and regulations. Applicants shall file with the commission security in the form of a bond, certificate of deposit, ~~or~~ irrevocable letter of credit, United States bonds or 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 such sum as the commission may require and in the form and of the kind prescribed by the commission. The security ; ~~which~~ shall not be less than one thousand dollars for any warehouse licensee who receives grain from producers in wagon or truckload lots and not less than twenty-five thousand dollars for those who receive grain in carload lots. Such bond, certificate of deposit, ~~or~~ letter of credit, or other security shall run to the State of Nebraska for the benefit of each person who stores grain in such warehouse and of each person who holds a check for purchase of grain stored in such warehouse which was issued by the warehouse licensee not more than five business days prior to the cutoff date of operation of the warehouse, which shall be the date the commission officially closes the warehouse. Such bond, certificate of deposit, ~~or~~ letter of credit, or other security shall be of the kind and in the form approved by the commission and shall be conditioned upon (1) the warehouse licensee carrying combustion, fire, lightning,

and tornado insurance sufficient to cover loss upon all stored grain in such warehouse, (2) the delivery of the grain upon surrender of the warehouse receipt, and (3) the faithful performance by the warehouse licensee of all provisions of law relating to the storage of grain by such warehouse licensee and ~~the~~ rules and regulations ~~of~~ adopted and promulgated by the commission. The commission may require increases in the amount of the security from time to time as it may deem necessary for the protection of the storers. The surety on a bond shall be a surety company licensed by the Department of Insurance. An irrevocable letter of credit or certificate of deposit shall be issued by a federally insured depository institution.

The security shall particularly describe the warehouse intended to be covered by the security. The liability of the surety on a bond shall not accumulate for each successive license period which the bond covers. The liability of the surety shall be limited to the amount stated on the bond or on an appropriate rider or endorsement to the bond.

Sec. 28. That section 88-531, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-531. Only one license ~~shall~~ may be required for the operation of all warehouses operated by one warehouse licensee if:

(1) ~~(a) The warehouses are located in the same city, village, or legally described location or on the same siding;~~

~~(b) The warehouses are operated with the same working force;~~

~~(c)~~ Only one set of books is kept for the warehouses; ~~and~~

~~(d)~~ (2) Cost slips, scale tickets, warehouse receipts, and checks are issued in one series for grain received or stored in such warehouses; ~~or~~ and

~~(2)(a) The warehouses are located within twenty-five miles of each other;~~

~~(b) Only one set of books is kept for the warehouses at a central location; and~~

~~(c)~~ (3) The warehouses are operated in conjunction with each other.

If the commission finds that enforcement of

the Grain Warehouse Act or the interests of the storers requires that warehouses operated by the same licensee at separate locations be licensed separately, it may require separate licenses for such facilities pursuant to rules and regulations adopted and promulgated by the commission.

The license fee and security required of such warehouse licensee shall be computed on the basis of the separate capacities of each warehouse.

Sec. 29. That section 88-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-532. Upon payment of the license fee and approval by the commission of the application and the bond, certificate of deposit, ~~or~~ irrevocable letter of credit, or other security described in section 88-530, the license shall be issued. A new or renewed license shall expire twelve calendar months after the effective date of the issuance or renewal of such license. A license may be kept in continuous force and effect if the warehouse licensee files a proper application for renewal and security which the commission can approve prior to the date of termination.

Notice of the security in the form prescribed by the commission shall be posted in a conspicuous place in each warehouse showing the amount of security on the stored grain. Each warehouse licensee shall also post in a conspicuous place in each warehouse office the storage fees and receiving and load-out fees charged for each type of grain stored.

Sec. 30. That section 88-543, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-543. No warehouse licensee or partner, officer, or agent thereof shall issue a receipt for grain not actually received. If at any time there is less grain in a warehouse than outstanding receipts issued for grain, there shall be a presumption that the warehouse licensee or partner, officer, or agent thereof has wrongfully removed grain, has wrongfully caused grain to be removed, or has issued receipts for grain not actually received, and has violated this section. Any warehouse licensee or partner, officer, or agent thereof who knowingly and willingly violates this

section shall be guilty of Class IV felony.

Sec. 31. That section 88-545, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-545. The commission shall enforce the Grain Warehouse Act and shall adopt and promulgate rules and regulations to aid in the administration of the act. Any person or partner, officer, or agent of any person who violates the Grain Warehouse Act shall be guilty of a Class IV felony, unless otherwise specifically provided, and shall be liable for any damages suffered by any person from such violation. Upon request of the commission, the Attorney General or any county attorney shall assist in the prosecution of any violations of the act.

Sec. 32. That section 88-547, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-547. If the commission determines that a shortage of grain exists or that the quality of grain in storage is insufficient to meet the obligations at a warehouse, ~~or~~ if a license expires and is not renewed, or if a license is surrendered to or cancelled or revoked by the commission for violation of any statute or rule or regulation adopted and promulgated by the commission, the commission may close the warehouse and do one or more of the following:

(1) Take title to all grain stored in the warehouse at that time in trust for distribution on a pro rata basis to all valid owners, depositors, or storers of grain who are holders of evidence of ownership of grain. No claim of the licensee for grain stored shall be honored until the claims of all other owners, depositors, and storers have been paid in full. Such distribution may be made in grain or in proceeds from the sale of grain;

(2) After notice and hearing (a) determine the value of the shortage and the pro rata loss to each owner, depositor, or storer of grain, (b) require all or part of the warehouse security to be forfeited to the commission, and (c) distribute the security proceeds on such pro rata basis; or

(3) Commence a suit in district court for the benefit of owners, depositors, or storers of grain.

The commission may deposit the proceeds from the security forfeiture under subdivision (2) of this section or the sale of grain under subdivision (1) of this section in an interest-bearing trust account for the benefit of the valid owners, depositors, or storers of grain pending final determination of the valid owners, depositors, or storers and distribution of such proceeds.".

2. On page 32, line 19, strike "and" and after the final comma insert "88-530, 88-531, 88-532, 88-543, 88-545, and 88-547,".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendments to LB 399 in the Journal. No objections. So ordered.

(1)

FA126

Page 3, line 15, Add: "Such devices or systems shall not be attached to the body of any person sentenced to house arrest."

(2)

FA127

Page 3, line 15, Add: "Such devices or systems shall not permit visual observation."

Mr. Chambers asked unanimous consent to print the following amendments to LB 220 in the Journal. No objections. So ordered.

(1)

FA128

Page 4, line 6, put a period after "ability" and insert: "Such device or system shall not be attached to the body of any person sentenced pursuant to subsection (2);"

(2)

FA129

Page 4, line 6, put a period after "ability" and insert: "Such device shall not permit visual observation;"

VISITORS

Visitors to the Chamber were 46 fourth grade students and teacher from Stolley Park School, Grand Island; eight seventh and eighth grade students and teacher from Elm Creek; 15 eighth grade students and teacher from St. Francis School, Humphrey; Rich Halverson from Lincoln; former Senator Nelson Merz from Falls City; and six students and teacher from Victory Fellowship Church School, Lincoln.

MOTION - Adjournment

Mr. Korshoj moved to adjourn. The motion prevailed with 23 ayes, 1 nay, 7 present and not voting, and 18 excused and not voting, and at 1:47 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 3, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 3, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 3, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Jerry Wallis, Christian Science Churches of Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, McFarland, Mmes. Crosby, and Labedz who were excused; and Messrs. Abboud, Baack, Conway, Goodrich, Haberman, Hannibal, R. Johnson, and Lindsay who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 64. Read. Considered.

LR 64 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 67. Read. Considered.

LR 67 was adopted with 28 ayes, 0 nays, and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 781. E & R amendments, AM5075, found in the Journal on page 911 for the Thirty-Sixth Day, were adopted.

Mrs. Smith renewed her pending amendment, AM0986, printed separately from the Journal and referred to on page 1351.

Mrs. Smith offered the following amendment to her pending amendment:
AM1184

(Amendments to AM0986)

1. On page 6, line 3, reinstate the stricken matter and after the reinstated "regulations" insert "or".

2. On page 20, line 16, before "ordinance" insert "rule, regulation, or".

The Smith amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

The pending Smith amendment, as amended, was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Mr. Hall renewed his pending amendment, AM0776, found in the Journal on page 1051.

Mrs. Smith requested a ruling of the Chair on whether the Hall amendment is germane to the bill.

The Chair ruled the Hall amendment is not germane to the bill.

Mr. Hall withdrew his pending amendment, AM0769, found in the Journal on page 1052.

Mr. Barrett requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 775. E & R amendments, AM5081, found in the Journal on page 1022 for the Forty-Second Day, were adopted.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Beck moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. Beck requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Abboud	Chizek	Hefner	Lynch	Scofield
Baack	Dierks	Landis	Nelson	Smith
Beck	Elmer	Langford	Pirsch	Weihing
Bernard-Stevens	Hall	Lindsay	Robak	Withem
	Hartnett			

Voting in the negative, 14:

Beyer	Haberman	Korshoj	Morrissey	Warner
Byars	Hannibal	Lamb	Rogers	Wehrbein
Chambers	Johnson, L.	Moore	Schellpeper	

Present and not voting, 5:

Barrett	Coordsen	Kristensen	Peterson	Schimek

Excused and not voting, 9:

Ashford	Crosby	Johnson, R.	McFarland	Wesely
Conway	Goodrich	Labedz	Schmit	

Failed to advance to E & R for Engrossment with 21 ayes, 14 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 643. Mr. Schmit offered the following amendment:
AM1132

1. On page 2, strike the new matter in lines 18 and 19 and insert "and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order to the extent that the estimated tax loss from all such litigation exceeds five percent of the amount to be levied. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who filed a similar action for the preceding year which is still pending".

Mr. Hall offered the following amendment to the pending Schmit amendment:
FA130

to amend the Schmit amendment, AM1132, by striking lines 6 and 7 and the word "levied" on line 8 and inserting a "." after the word "order" on line 5.

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, 26:

Abboud	Chizek	Hartnett	Morrissey	Schimek
Baack	Conway	Kristensen	Nelson	Smith
Beck	Coordsen	Landis	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Lindsay	Rogers	Weihing
Beyer	Hall	Lynch	Schellpeper	Withem
	Hannibal			

Voting in the negative, 4:

Lamb	Moore	Scofield	Warner

Present and not voting, 12:

Barrett	Byars	Chambers	Elmer	Haberman

Hefner	Korshoj	Peterson	Robak	Schmit
Johnson, L.	Langford			

Excused and not voting, 7:

Ashford	Goodrich	Labedz	McFarland	Wesely
Crosby	Johnson, R.			

The Hall amendment was adopted with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The pending Schmit amendment, as amended, was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 592. E & R amendments, AM5097, found in the Journal on page 1257 for the Fiftieth Day, were adopted.

Mr. Chambers moved to indefinitely postpone LB 592.

Messrs. Chizek, Moore, Hall, and L. 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?"

Mr. Abboud moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Baack	Barrett

Bernard-Stevens	Conway	Landis	Schmit	Smith
Chambers	Coordsen	Morrissey	Scofield	Weihing
	Korshoj			

Voting in the negative, 15:

Abboud	Elmer	Lindsay	Pirsch	Warner
Beck	Haberman	Lynch	Robak	Wehrbein
Byars	Langford	Peterson	Schellpeper	Wesely

Present and not voting, 9:

Beyer	Hannibal	Kristensen	Rogers	Withem
Dierks	Hartnett	Nelson	Schimek	

Absent and not voting, 2:

Hefner Lamb

Excused and not voting, 10:

Ashford	Crosby	Hall	Johnson, R.	McFarland
Chizek	Goodrich	Johnson, L.	Labedz	Moore

The Chambers motion to indefinitely postpone lost with 13 ayes, 15 nays, 9 present and not voting, 2 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Schmit moved to bracket LB 592 until April 17, 1989.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 505A. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 259A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Hall, Chizek, and Moore asked unanimous consent to have their names added as co-introducers to LB 84. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 68. Introduced by Lindsay, 9th District; Kristensen, 37th District; Nelson, 35th District; Chizek, 31st District; Chambers, 11th District; Pirsch, 10th District; Abboud, 12th District.

PURPOSE: The purpose of this resolution is to authorize a study of gangs and drug trafficking in Omaha, Nebraska. The study shall include, but not be limited to, the magnitude of the drug problem in Omaha, the possibility that this problem will spread to other areas of the state, the focus and effect of current law enforcement measures, the causes and effects of increased gang membership, a review of current resolutions being employed, and a review of possible legislative remedies.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the study shall include a series of public hearings within Omaha, Nebraska, in areas that are the most subject to gang activity and drug trafficking.

3. That the study shall include input from the general public, law enforcement personnel, and local government officials.

4. 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.

VISITORS

Visitors to the Chamber were 13 sixth grade students and teacher from Sterling; 20 seniors and teacher from Elmwood; 42 seventh and eighth grade students and teacher from St. John's Lutheran, Battle Creek; seven students and teacher from Southeast Community College, Lincoln; and Erwin Proell and Dr. Christian Konrad from Austria and David Edminster, escort interpreter.

RECESS

At 12:03 p.m., on a motion by Mr. Landis, 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. Ashford, Chizek, McFarland, Mmes. Crosby, and Labedz who were excused; and Messrs. Goodrich, Haberman, R. Johnson, Moore, Schellpeper, and Mrs. Robak who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 592. The pending Schmit motion, found in this day's Journal, to bracket until April 17, 1989, was renewed.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

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.

Mr. Schmit requested a record vote on his motion to bracket.

Voting in the affirmative, 16:

Baack	Hannibal	Landis	Rogers	Smith
Chambers	Hartnett	Morrissey	Schimek	Weihing
Conway	Korshoj	Nelson	Schmit	Wesely

Withem

Voting in the negative, 23:

Abboud	Dierks	Johnson, L.	Moore	Schellpeper
Beck	Elmer	Kristensen	Peterson	Scofield
Beyer	Goodrich	Langford	Pirsch	Warner
Byars	Haberman	Lindsay	Robak	Wehrbein
Coordsen	Hefner	Lynch		

Present and not voting, 3:

Barrett	Bernard-Stevens	Lamb

Excused and not voting, 7:

Ashford	Crosby	Johnson, R.	Labedz	McFarland
Chizek	Hall			

The Schmit motion to bracket lost with 16 ayes, 23 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Elmer	Kristensen	Moore	Rogers
Beck	Goodrich	Lamb	Nelson	Schellpeper
Beyer	Haberman	Langford	Peterson	Smith
Byars	Hefner	Lindsay	Pirsch	Warner
Coordsen	Johnson, L.	Lynch	Robak	Wehrbein
Dierks	Johnson, R.			

Voting in the negative, 10:

Baack	Chambers	Korshoj	Morrissey	Weihing
Bernard-Stevens	Conway	Landis	Schmit	Withem

Present and not voting, 6:

Barrett Hartnett Schimek Scofield Wesely
Hannibal

Excused and not voting, 6:

Ashford Crosby Hall Labedz McFarland
Chizek

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 6 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 262. Placed on Select File.

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendments to LB 569:
AM7018

1. In the Withem amendment, AM1012:

a. On page 1, line 6, strike "35 and 37" and insert "37 and 39";

b. On page 4, line 10; page 5, line 22; and page 6, line 19, strike "both" and show as stricken;

c. On page 17, lines 17 and 20, strike "nor any", show as stricken, and insert "no"; and in line 21 strike "nor any", show as stricken, and insert "and no";

d. On page 21, line 15, strike "has";

e. On page 23, line 22, strike "recertification" and insert "renewal of certification";

f. On page 24, line 23, strike "recertification", show as stricken, and insert "renewal of certification";

g. On page 26, strike beginning with the second comma in line 15 through "certificates" in line 17 and show as stricken; in line 18 strike beginning with the first "on" through "and" and show as stricken; and in line 19 strike "thereafter.", show as stricken, and insert an underscored period;

h. On page 33, line 23, after "such" insert "character and standing"; and in line 24 after "under"

insert "such";

i. On page 34, line 12, strike the comma; and in line 23 strike "must meet" and insert "meets"; and

j. On page 51, line 12, after the second comma insert "71-5119, 71-5120,"; and in line 13 strike "77-5521" and insert "71-5521, 71-5522"; and in line 16 strike "77-5508, 77-5517" and insert "71-5508, 71-5517" and strike "77-5520" and insert "71-5520".

2. Insert the following new sections:

"Sec. 8. That section 71-5119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5119. The provisions of sections 60-337 and 71-5101 to 71-5123 and sections 10 to 26 of this act shall not apply in the following situations:

(1) The occasional use of a publicly or privately owned vehicle not ordinarily used in the transportation of individuals who are sick, injured, wounded, or otherwise incapacitated or helpless when the same is done gratuitously in the performance of a lifesaving act pursuant to section 25-21,186;

(2) A vehicle rendering service as an ambulance or emergency vehicle in case of a major catastrophe or emergency when licensed ambulances based in the localities of the catastrophe or emergency are insufficient to render the services required;

(3) An ambulance from another state which is operated from a location or headquarters outside of this state in order to transport patients across state lines, but no such ambulance shall be used to pick up patients within this state for transportation to locations within this state, except in case of emergency; or

(4) Ambulances or emergency vehicles owned and operated by an agency of the United States Government and the personnel ~~thereof~~ of such agency.

Sec. 9. That section 71-5120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5120. The provisions of sections 60-337 and 71-5101 to 71-5123 and sections 10 to 26 of this act shall not be construed to supersede, limit or otherwise affect the provisions of the state civil defense laws or of any interstate civil defense compact participated in by the State of Nebraska dealing with the licenses for

professional, mechanical, or other skills for persons performing civil defense, emergency, or disaster functions.".

3. On page 1, strike beginning with "71-5103" in line 2 through the semicolon in line 5 and insert "71-5103, 71-5105, 71-5115, 71-5119, 71-5120, 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, 71-5521, 71-5522, and 71-5523, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5101, 71-5102, 71-5108, 71-5113, 71-5502, 71-5504, 71-5508, 71-5517, 71-5519, and 71-5520, Revised Statutes Supplement, 1988;"; in line 6, strike "provide for" and insert "change provisions relating to"; in line 8 strike "technicians-A/D" and insert "technicians and service providers"; in line 10 strike "to define terms;"; in line 12 after "approval" insert "and for certification"; and in line 14 after the first semicolon insert "to transfer provisions; to provide severability;".

4. On page 3, line 21; page 4, line 4; page 8, line 4; page 10, lines 6 and 23; page 12, line 2; page 13, line 2; page 16, lines 23 and 24; page 18, line 25; page 19, lines 6 and 15; page 21, lines 8 and 9; page 23, line 8; page 24, line 16; and page 25, line 11, strike "8 to 24" and insert "10 to 26".

5. On page 4, lines 8 and 9, strike the new matter and reinstate the stricken matter.

6. On page 6, line 10, after "department" insert "pursuant to sections 71-5101 to 71-5123 and sections 10 to 26 of this act".

7. On page 7, line 8, strike "recertification".

8. On page 10, line 21, after "application" insert "for"; and in line 25 strike the second comma and show as stricken.

9. On page 11, line 1, strike the first comma and show as stricken.

10. On page 12, line 3, strike "developed", show as stricken, and insert "adopted and promulgated".

11. On page 13, line 9, strike "a"; and in line 10 after "certified" insert "as an".

12. On page 14, line 11, strike "a" and after "certified" insert "as an"; in line 15 strike "a"; and in line 16 after "certified" insert "as an".

13. On page 16, line 8, strike "certified"

and insert "an"; in line 9 strike "technicians-A/D" and insert "technician-A/D"; in line 12 strike ". An" and insert ", except that an" and after "certificate" insert "to act as an emergency medical technician-A/D"; and in line 15 strike "shall expire" and insert "issued pursuant to section 71-5109 expires".

14. On page 18, line 4, strike "The" and insert "Subject to section 20 of this act, the".

15. On page 19, line 5, strike "any" and insert "may"; and in line 10 strike "as" and insert "of".

16. On page 21, line 14, strike "Any person may apply" and insert "A person applying"; and in line 16 after "service" insert "shall file an application on a form prescribed by the department".

17. On page 22, strike beginning with "The" in line 4 through the period in line 6.

18. On page 24, line 12, strike "23" and insert "24".

19. On page 25, line 1, after the period insert paragraphing.

20. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 569A. Placed on Select File.

LEGISLATIVE BILL 606. Placed on Select File as amended.
E & R amendments to LB 606:
AM7006

1. On page 1, line 2, strike "on" and insert "and defenses based on and provide for"; and in line 3 after the semicolon insert "to provide for applicability of provisions;".

2. On page 2, line 9, strike the comma; in line 11 strike "$25,000" and insert "twenty-five thousand dollars"; in line 12 insert a comma after "personal" and after "family"; and in line 20 after the first "credit" insert "from a creditor".

LEGISLATIVE BILL 628. Placed on Select File as amended.
E & R amendments to LB 628:
AM7005

1. In the Robak amendment, AM0764, on page 1, line 1, strike "8" and insert "7" and strike "meeting"

and insert "notice".

2. In the Standing Committee amendments, AM0492, on page 1, line 18, strike the comma and show as stricken.

3. On page 1, line 3, strike "notice" and insert "publicized notice requirements for"; and in line 4 strike "of".

LEGISLATIVE BILL 681. Placed on Select File as amended.
E & R amendments to LB 681:
AM7020

1. In the Standing Committee amendments, AM0608:

a. On page 2, line 6, after "agreement" insert "for the property"; in lines 8 and 11 strike "personal"; in lines 11 and 13 before "for" insert "which is"; and in line 22 strike the comma;

b. On page 3, line 13, after "a" insert "consumer";

c. On page 7, line 4, after the second "the" insert "consumer"; and in line 11 after "time" insert "the";

d. On page 8, line 18, after "contain" insert an underscored comma; and in line 20 after "notice" insert ", in boldface, ten-point type,";

e. On page 9, strike lines 6 and 7;

f. On page 10, lines 17 and 19, after "date" insert "of the agreement";

g. On page 11, line 3, after "ownership" insert an underscored comma; in line 10 after "after" insert "the"; and in line 13 after "period" insert an underscored comma;

h. On page 12, line 7, after "amount" insert "of the deposit"; in line 8 strike "is" and insert "will be"; and in line 16 strike "lessee's" and insert "consumer's";

i. On page 13, line 24; and page 14, line 16, strike the comma;

j. On page 15, line 11, strike "R.S.C." and insert "U.S.C.A.";

k. On page 16, line 3, strike "is" and insert "shall be";

l. On page 17, line 15, strike the comma; strike line 16 and insert "and any renewal or extension

of the agreement cease"; in line 21 strike "its" and insert "the lessor's"; and in line 23 strike the first "of" and insert "under";

m. On page 18, line 15, strike the comma; and in line 16 strike the first comma and after "regulation" insert an underscored comma;

n. On page 24, line 16, strike the comma and show as stricken; and in line 20 strike "salesperson" and insert "salespersons";

o. On page 27, line 1, after "him" insert "or her";

p. On page 29, line 18, after "him" insert "or her"; and in line 19 after "his" insert "or her";

q. On page 30, lines 4 and 5, after "his" insert "or her"; in lines 12, 13, 16, and 18 after "he" insert "or she"; and in line 16 after "him" insert "or her";

r. On page 31, line 8, after "him" insert "or her"; and in lines 15 and 21 after "his" insert "or her";

s. On page 35, line 9, after "he" insert "or she"; and

t. On page 36, line 11, after "Statutes" insert "of Nebraska" and after "and" insert "section".

2. On page 1, line 1, after the semicolon insert "to amend sections 45-335 and 69-1601, Reissue Revised Statutes of Nebraska, 1943, and section 1-201, Uniform Commercial Code;"; and in line 2 after "Act" insert "; to redefine terms; to provide severability; to provide an operative date; to repeal the original sections; and to declare an emergency".

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendments to LB 78:
AM7010

1. Insert the following new section:

"Section 29. The Revisor of Statutes shall assign section 11 of this act within sections 75-101 to 75-155 and any reference to sections 75-101 to 75-155 shall include section 11 of this act.".

2. In the Standing Committee amendment, AM0671:

a. On page 4, line 10, strike "shall meet" and insert "meets";

b. On page 6, line 9, after "its" insert "member" and strike "association" and insert "associations."; and strike line 10;

c. On page 7, line 1, after the first semicolon insert "and page 32, line 9, strike '13 to 15' and insert '15 to 17'.

4. On "; in line 5 after the first semicolon insert "and" and strike beginning with the second semicolon through "9"; and in line 6 before the last quotation marks insert "and 26"; and

d. Renumber the remaining amendments accordingly.

3. On page 1, line 2, after the last comma insert "75-136,"; and in line 10 after the semicolon insert "to provide for judicial review as prescribed;".

4. On page 2, strike beginning with "eliminate" in line 2 through "officials" in line 3 and insert "provide for transportation service by transportation cooperatives as prescribed; to provide duties for the Revisor of Statutes".

5. On page 8, line 3, strike "common" and show as stricken.

6. On page 9, line 8, strike the first comma and show as stricken.

7. On page 12, line 11, strike the last comma and show as stricken.

8. On page 26, line 2; and page 29, lines 2, 17, and 20, strike the comma and show as stricken.

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 438. Placed on Select File as amended.
E & R amendments to LB 438:
AM7008

1. In the Baack amendments, AM1129:

a. On page 1, line 14, strike the comma; and

b. On page 2, line 16, strike the comma; in line 21 after the second comma insert "and"; and in line 22 after "books" insert an underscored comma.

2. Strike original section 15 and all amendments thereto and insert the following new sections:

"Sec. 2. That section 79-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-1901. The State Department of Education shall have general control of all educational programs for ~~acoustically handicapped~~ hearing impaired persons of suitable age and capacity from birth until completion of a suitable program of education, ~~to~~ which shall include, but not be limited to, the Nebraska School for the Deaf.

Sec. 10. That section 79-1912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1912. The State Department of Education is hereby directed to develop and provide a comprehensive education program for ~~acoustically handicapped~~ hearing impaired children in Nebraska to be operated as a satellite program by the Nebraska School for the Deaf. Such program shall be in operation no later than October 1, 1974. Such program shall be designed to serve ~~acoustically handicapped~~ hearing impaired children at the preschool and primary level of education. Any ~~acoustically handicapped~~ hearing impaired child whose needs are not satisfactorily met by such program shall be referred to the Nebraska School for the Deaf.

Sec. 11. That section 79-1913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1913. The State Department of Education shall coordinate the curriculum and method of service delivery of the education program for ~~acoustically handicapped~~ hearing impaired children with the program offered by the Nebraska School for the Deaf.

Sec. 22. That original sections 79-328, 79-1901, 79-1902, 79-1903, 79-1904, 79-1907, 79-1908, 79-1910.01, 79-1911, 79-1912, 79-1913, 79-2001, 79-2002, 79-2003, 79-2004, 79-2005, 79-2006, 79-2007, 79-2009.01, 79-3330, and 79-3333, Reissue Revised Statutes of Nebraska, 1943, and also section 79-3331, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

3. On page 1, line 2, after the first comma insert "79-1901, 79-1902," and after the third comma insert "79-1907,"; in line 3 after the first comma insert "79-1912, 79-1913,", after the second comma insert "79-2002,", and after the last comma insert "79-2006,"; and in line 7 after the first semicolon insert "to change provisions relating to the purposes of

the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped; to change provisions relating to the payment of transportation costs; to authorize the provision of clothing as prescribed;".

4. On page 9, line 8, after the first "contract" insert an underscored comma.

5. On page 17, line 17, strike "whose programs" show as stricken, and insert "the programs of which".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 438A. Placed on Select File.

LEGISLATIVE BILL 706. Placed on Select File as amended.
E & R amendments to LB 706:
AM7009

1. On page 2, lines 13 and 19, strike "has", show as stricken, and insert "have".

2. On page 3, line 12, strike the comma and show as stricken; and in line 22 strike the new matter and reinstate the stricken matter.

3. On page 4, line 16, after "devices" insert an underscored comma.

4. On page 6, line 12, after "delinquency" insert an underscored comma.

5. On page 8, line 14, strike "alone"; and in line 16 strike the comma.

6. On page 9, line 19, after the second comma insert "or" and strike the third comma; in line 24 strike "(i)" and insert "(1)"; and in line 25 strike "(ii)" and insert "(2)".

7. On page 11, line 1, after the second semicolon insert "and"; in line 2 after"sites" insert an underscored comma; and in line 14 before "and" insert an underscored comma.

8. On page 12, line 17, after "58-251" insert "; and

(5) Any cost necessary for abatement of an environmental hazard or hazards in school buildings upon a determination by the school that an actual or potential environmental hazard exists within the school buildings or grounds under its control"; and strike the new matter in lines 21 through 25.

9. On page 13, line 1, strike the new matter.

LEGISLATIVE BILL 47. Placed on Select File as amended.
E & R amendment to LB 47:
AM7007
1. On page 2, line 10, after "motorcycle" insert an underscored comma.

LEGISLATIVE BILL 75. Placed on Select File.
LEGISLATIVE BILL 548. Placed on Select File.
LEGISLATIVE BILL 582. Placed on Select File.
LEGISLATIVE BILL 582A. Placed on Select File.
LEGISLATIVE BILL 240. Placed on Select File.

LEGISLATIVE BILL 790. Placed on Select File as amended.
E & R amendments to LB 790:
AM7012
1. On page 2, lines 12 and 15, strike the comma and show as stricken.
2. On page 3, line 8, strike "votes" and insert "members" and reinstate the stricken matter; and in line 14 after "council" insert "members".
3. On page 4, lines 5, 6, and 8, reinstate the stricken matter; and in line 7 strike the new matter.

LEGISLATIVE BILL 777. Placed on Select File.

LEGISLATIVE BILL 44. Placed on Select File as amended.
E & R amendments to LB 44:
AM7016
1. On page 2, line 12, after "expenses" insert "are".
2. On page 3, line 19, strike "may be", show as stricken, and insert "was" and after "or" insert "was".

LEGISLATIVE BILL 44A. Placed on Select File.

LEGISLATIVE BILL 637. Placed on Select File as amended.
E & R amendments to LB 637:
AM7011
1. In the Withem amendments, AM0878, on page 9, lines 4 and 9, strike "of"; and in line 9 strike the

second "the".

2. On page 1, line 2, strike "32-705" and insert "32-704, 32-705, 49-1461, and 49-1474.01"; in line 3 after the semicolon insert "to change provisions regarding the filing of initiative and referendum petitions; to provide deadlines for filing such petitions;"; in line 4 after the semicolon insert "to provide for the filing of campaign statements as prescribed; to harmonize provisions;"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 23, strike the last comma and show as stricken.

4. On page 5, line 21, strike "herein" and show as stricken and after "prescribed" insert "in this section".

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendment to LB 66:
AM7013

1. On page 2, line 5, after the third comma insert "or" and strike the last comma and show as stricken; and in line 7 after "filing" insert "or payment".

LEGISLATIVE BILL 546. Placed on Select File as amended.
E & R amendments to LB 546:
AM7017

1. On page 1, line 1, after "to" insert "the".

2. On page 3, line 17, strike the comma and show as stricken.

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendments to LB 87:
AM7019

1. On page 3, line 20, strike the comma and show as stricken.

2. On page 5, line 7, strike the comma and show as stricken; in lines 8 and 9 strike the second comma and show as stricken; in lines 10 and 11 strike the second comma; in lines 13 and 14 strike the first comma; and in line 15 strike the first comma and show as stricken.

3. On page 7, line 18, strike the comma.

4. On page 8, lines 21 and 25, strike the comma and show as stricken.

5. On page 10, line 16, strike the semicolon and insert an underscored colon.

LEGISLATIVE BILL 220. Placed on Select File.

LEGISLATIVE BILL 372. Placed on Select File as amended.
E & R amendments to LB 372:
AM7026

1. On page 2, line 17; and page 15, line 14, strike "goods" and insert "property".

2. On page 3, line 19, page 4, line 7, page 8, line 4; and page 9, lines 2, 7, 13, and 19, strike "cash" and insert "money".

3. On page 3, lines 5 and 8, strike "card" and insert "device"; and in line 7 strike "cards" and insert "financial transaction devices".

4. On page 4, line 17, strike "card" and insert "financial transaction device"; in line 21 strike "number" and insert "code"; and in line 25 strike "financial transaction".

5. On page 7, line 23, strike beginning with "property" through "money" and insert "money, property, or services,".

6. On page 14, line 18, strike both occurrences of "from" and insert "form".

LEGISLATIVE BILL 399. Placed on Select File as amended.
E & R amendments to LB 399:
AM7015

1. On page 2, line 5, after the first comma insert "a"; in line 16 after "university" insert an underscored comma; and in line 19 strike "the prisoner's", show as stricken, and insert "such person's".

2. On page 3, line 6, after the first comma insert "a".

LEGISLATIVE BILL 401. Placed on Select File.

LEGISLATIVE BILL 608. Placed on Select File as amended.
E & R amendment to LB 608:
AM7014

1. On page 2, line 16, strike "to be" and show as stricken.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 348. Placed on General File as amended.
Standing Committee amendments to LB 348:
AM0747

1. Strike original section 1 and insert the following new section:

"Section 1. That section 71-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-177. For ~~the~~ purposes of the Uniform Licensing Law, the practice of chiropractic is defined as being one or a combination of the following, without the use of drugs or surgery: (1) The diagnosis and analysis of the living human body for the purpose of detecting ailments, disorders, and disease by the use of diagnostic X-ray, ~~of the axial skeleton excluding the skull,~~ physical and clinical examination, and routine procedures including urine analysis; or (2) the science and art of treating human ailments, disorders, and disease by locating and removing any interference with the transmission and expression of nerve energy in the human body by chiropractic adjustment, chiropractic physiotherapy, and the use of exercise, nutrition, dietary guidance, and colonic irrigation.".

2. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 431. E & R amendments, AM5093, found in the Journal on page 1189 for the Forty-Seventh Day, were adopted.

Mr. Wehrbein renewed his pending amendment, AM0983, found in the Journal on page 1409.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
FA131

1. On page 6, line 25, strike "There is hereby appropriated" and insert "It is the intent of the Legislature that the funding level shall be."

The Wesely amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Wesely moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Baack	Conway	Lynch	Schellpeper	Wehrbein
Beck	Dierks	Morrissey	Schimek	Weihing
Bernard-Stevens	Landis	Nelson	Scofield	Wesely
Chambers	Lindsay	Robak	Smith	Withem

Voting in the negative, 15:

Barrett	Haberman	Johnson, L.	Lamb	Pirsch
Byars	Hannibal	Korshoj	Langford	Rogers
Coordsen	Hefner	Kristensen	Moore	Warner

Present and not voting, 5:

Abboud	Beyer	Hartnett	Johnson, R.	Peterson

Absent and not voting, 3:

Elmer	Goodrich	Schmit

Excused and not voting, 6:

Ashford	Chizek	Crosby	Hall	Labedz

McFarland

Failed to advance to E & R for Engrossment with 20 ayes, 15 nays, 5 present and not voting, 3 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 77. E & R amendments, AM5098, found in the Journal on page 1291 for the Fifty-First Day, were adopted.

Messrs. Warner and Chambers offered the following amendment: AM1065

1. On page 4, line 16, after "Fund" insert ", except that any portion of an award or settlement which is for punitive damages may only be paid with the approval of the Legislature".

The Warner-Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 714. E & R amendments, AM5099, found in the Journal on page 1294 for the Fifty-First Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 371. E & R amendments, AM7002, found in the Journal on page 1330 for the Fifty-Third Day, were adopted.

Mr. Withem withdrew his pending amendment, AM1013, found in the Journal on page 1303.

Mr. Withem renewed the pending Hall amendment, AM1153, found in the Journal on page 1416.

The Hall amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 89. E & R amendments, AM7000, found in the Journal on page 1332 for the Fifty-Third Day, were adopted.

Mr. Withem moved to indefinitely postpone LB 89.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 780. Title read. Considered.

Mrs. Smith withdrew her pending amendment, AM1089, found in the Journal on page 1372.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Standing Committee amendment, AM0370, found in the Journal on page 761 for the Twenty-Ninth Day, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 69. Introduced by Pirsch, 10th District.

WHEREAS, victims of crime and their loved ones often face severe financial, physical, and psychological losses; and

WHEREAS, some 63,946 Nebraskans were crime victims, of which 3,936 were victims of violent crime in 1987; and

WHEREAS, violent crime seems to be increasingly brutal due to the increase in drug-related criminal activity; and

WHEREAS, the aftermath of criminal violence may cause additional losses to victims due to lack of concern or understanding by social or government institutions; and

WHEREAS, the Legislature, law enforcement and criminal justice system personnel, opinion makers and members of the public are increasingly aware of and cooperative in addressing victim's needs and working for legislative reforms, monitoring court procedures, offering emotional support to crime victims and their families; and

WHEREAS, services are still not available statewide for victims; and

WHEREAS, many victims and survivors of crime have demonstrated extraordinary courage and strength as they have sought to help themselves and others; and

WHEREAS, such victims, survivors, and victim advocates should be supported in their work to ensure a better life for us all.

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

1. That the Legislature designates and proclaims the week of April 9 to 15, 1989 as Victims 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 and services in this state through participation in local and state activities commemorating those rights.

3. That the members of the Legislature commend those who are alleviating the plight of crime victims and encourage continued public awareness of the needs of victims of crime.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hartnett and Withem asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1188

(Amendment to Labedz amendment, AM1125)

1. On page 2, line 5, after "hundred" insert "fifty".

Mr. Lynch asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1161

(Amendments to AM7000)

1. On page 5, line 21, after "degree" insert ", regardless of his or her regular compensation,"; and in line 24 strike "the total number of full-time" and insert "Phase II program funds using the formula provided in subsection (4) of this section and shall

provide such information to the State Treasurer.".

2. On page 6, strike lines 1 through 3; in line 9 strike "number" and insert "weighted number of full-time equivalent teachers"; and strike beginning with "The" in line 17 through line 22.

Mr. Moore asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1130

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 Help Education Lead to Prosperity Act.

Sec. 2. The purposes of the Help Education Lead to Prosperity Act are to promote excellence in education through increased teacher salaries and to encourage competitive teacher salaries which will attract quality teachers to Nebraska public schools.

Sec. 3. For purposes of the Help Education Lead to Prosperity Act:

(1) Department shall mean the State Department of Education;

(2) Fund shall mean the Educational Excellence Fund;

(3) Phase I program funds shall mean those funds distributed pursuant to section 5 of this act;

(4) Phase II program funds shall mean those funds distributed pursuant to section 6 of this act;

(5) Provider shall mean a school district, an educational service unit, a school operated by the Department of Correctional Services, the State Department of Education, the Department of Public Institutions, or the Department of Social Services, the Beatrice State Developmental Center, or the Lincoln Regional Center;

(6) Regular compensation shall mean the annual salary specified in a teacher's contract not including pay earned for performance of noninstructional duties or the employer's share of retirement benefits; and

(7) Teacher shall mean a nonsupervisory, certificated staff member of a provider.

Sec. 4. There is hereby created the

Educational Excellence Fund. Money in the fund shall be used only for purposes of sections 5 and 6 of this act. The State Treasurer shall make distributions from the fund as required by the Help Education Lead to Prosperity Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. (1) The distribution of funds pursuant to this section shall be for the purpose of encouraging competitive salaries for beginning teachers and shall be known as Phase I of the Educational Excellence Program.

(2) Each provider shall certify to the department by September 1 of each year the names of all teachers employed by the provider whose regular compensation for the school year is less than eighteen thousand dollars and the total amount needed to provide competitive salaries for such teachers, which amount shall be the total of (a) the difference between eighteen thousand dollars and the teacher's regular compensation and (b) the amount required to pay the employer's share of federal social security and retirement benefit payments on the additional salary. Salaries of part-time teachers shall be included in the calculation required by this subsection in a proportion which is equivalent to the proportion of full-time employment held by each such teacher.

(3) The department shall compute the amount payable to each provider to carry out this section and shall provide such information to the State Treasurer by December 1. The State Treasurer shall distribute such amounts from the fund. This section shall be fully funded. If there are any excess funds in the fund, such excess funds shall be used for the purposes set forth in section 6 of this act. No funds shall be distributed pursuant to this section after the fourth school year following the effective date of this act.

Sec. 6. (1) The distribution of funds pursuant to this section shall be known as Phase II of the Educational Excellence Program. Each provider shall certify to the department by September 1 of each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the

weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid eighteen thousand dollars or less as regular compensation shall not be counted in the calculation during any school year during which funds are distributed pursuant to section 5 of this act;

(b) A full-time equivalent teacher paid more than eighteen thousand dollars and not more than twenty-five thousand dollars as regular compensation shall be counted as one full-time equivalent teacher during any school year in which funds are distributed pursuant to section 5 of this act;

(c) A full-time equivalent teacher paid not more than twenty-five thousand dollars as regular compensation shall be counted as one full-time equivalent teacher after distribution of funds pursuant to section 5 of this act ceases;

(d) A full-time equivalent teacher paid more than twenty-five thousand dollars as regular compensation shall be counted as one and one-fifth full-time equivalent teachers; and

(e) A full-time equivalent teacher with a master's degree shall be counted as one and two-fifths full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of the total number of full-time equivalent teachers and of the total weighted number of full-time equivalent teachers and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute any excess amount in the fund after the distribution made pursuant to section 5 of this act for any year to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the number in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be bargained for together with other salary increases and benefit changes at the local level and to pay the employer's share of federal social security and retirement benefit payments on such salary increases.

The State Treasurer shall not distribute any money to a provider under this section until the department has certified that the provider and local teacher association or local bargaining group, if there is no local teacher association, have mutually agreed to a plan for distribution of such money.

Sec. 7. Any amount or amounts received or to be received by or for any teacher or teachers under any provision of the Help Education Lead to Prosperity Act shall not become a part of any contract rights protected under sections 79-12,107 to 79-12,121.

Sec. 8. (1) It is the intent of the Legislature to provide adequate funding to enable the department to carry out its duties under the Help Education Lead to Prosperity Act.

(2) The Legislature shall appropriate fifteen million dollars from the General Fund for fiscal year 1989-90 and fifteen million dollars from the General Fund for fiscal year 1990-91 to carry out the provisions of sections 5 and 6 of this act.

Sec. 9. The department may adopt and promulgate rules and regulations to carry out the Help Education Lead to Prosperity Act.".

Mr. Withem asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

AM1196

1. Strike original sections 2, 3, and 4 and insert the following new sections:

"Sec. 2. There is hereby created within the Legislative Council a committee to direct and oversee a study of public postsecondary education in Nebraska. The committee shall consist of five members, including (1) two members of the Legislature who shall be appointed by the Executive Board of the Legislative Council, (2) two members of the Nebraska Coordinating Commission for Postsecondary Education appointed to the commission pursuant to subdivision (2)(a) of section 85-902 who shall be appointed by such commission, and (3) one member from the administrative branch of state government who shall be appointed by the Governor. All members shall be appointed within fifteen days after the effective date of this act to serve for the duration of

the committee. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The committee may establish and consult with a separate advisory body consisting of Nebraska experts in postsecondary education to assist it in directing the study and making recommendations thereon. The committee may also utilize the staff of the Education Committee of the Legislature and the Legislative Fiscal Analyst to assist it in carrying out its duties under this act. The committee and any advisory body it may create shall cease to exist on January 15, 1991.

Sec. 3. The committee created in section 2 of this act shall select and the Legislative Council shall contract with an individual, entity, or organization not based in Nebraska to conduct a study of public postsecondary education in Nebraska as provided in section 4 of this act. The committee shall attempt to complete the selection of the contractor within forty-five days after the effective date of this act. The study shall be completed in two phases, and the Nebraska Coordinating Commission for Postsecondary Education shall assist the committee in the search for and selection of the contractor.

Sec. 4. (1) The study conducted pursuant to this act shall address changes necessary or appropriate to promote quality postsecondary education and access to postsecondary education in the most efficient and effective manner feasible given the demographic, geographic, economic, and social context of postsecondary education in Nebraska.

(2) Phase I of the study shall address and make recommendations on governance and structure issues and those issues for which a constitutional amendment may be needed to authorize or facilitate the implementation of any recommendation, including, but not limited to:

(a) The proposed transfer of Kearney State College to the University of Nebraska, including any needed realignment of the remaining state colleges and any needed revisions in the role and mission of the university and the state colleges impacted by such transfer.

(b) Other changes, if any, needed in the alignment of public postsecondary educational

institutions under the current governance structure or any recommended modifications to the governance structure, including the alignment and governance of the other state colleges if Kearney State College becomes part of the University of Nebraska;

(c) Changes, if any, needed in the governance structure of public postsecondary educational institutions;

(d) Discussion of the potential financial impact of any recommended changes and detailed cost estimates of the short-term financial impacts;

(e) Specific recommendations for constitutional changes, if any, necessary to authorize or implement any recommendations made pursuant to this section and a list of priorities of recommendations and alternative recommendations; and

(f) Initiation of the strategic planning process to be completed in Phase II of the study.

After the submission of the report compiled by the contractor hired pursuant to section 3 of this act to the committee created in section 2 of this act, the committee shall review the report and forward it to the Legislature, the Governor, and all public postsecondary educational institutions in the state by December 15, 1989, along with any additional or different recommendations the committee may have.

(3) Phase II of the study shall address and make recommendations on any statutory or other changes needed to best implement or facilitate any legislative or electorate decisions made in 1990 in response to Phase I of the study, including:

(a) A specific review of the role and mission statutes for each postsecondary educational institution, with particular attention to the appropriate role of Kearney State College or its successor institution in the context of the assignment of graduate program responsibilities for all postsecondary education in the state;

(b) Coordination of programs and facilities among the institutions and sectors of postsecondary education, with particular attention to telecommunication and economic development programs and the appropriate role of the Nebraska Coordinating Commission for Postsecondary Education;

(c) Cost estimates of the financial impact of any recommended changes; and

(d) A strategic plan for the future of public postsecondary education in the state and the identification of an ongoing process for the development and implementation of such a plan.

After the submission of the report compiled by the contractor to the committee, the committee shall review the report and forward it to the Legislature, the Governor, and all public postsecondary educational institutions in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 5. Expenditures for expenses in support of the activities of the committee created in section 2 of this act, including employment of the contractor pursuant to section 3 of this act, shall be appropriated to the Legislative Council and accounted for by a separate subprogram within an appropriate program within the agency. The Legislature shall appropriate from the General Fund for fiscal years 1988-89, 1989-90, and 1990-91 a minimum of two hundred fifty thousand dollars for such purpose.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to the Nebraska Coordinating Commission for Postsecondary Education and accounted for by a separate subprogram separate from the agency's operating expenses.".

2. On page 2, line 9, strike "comprehensive".

Mr. R. Johnson asked unanimous consent to print the following amendment to LR 2CA in the Journal. No objections. So ordered.

AM1072

1. On page 2, strike beginning with "(a)" in line 24 through line 25 and insert "with all other tangible property and franchises.".

2. On page 3, line 1, strike "agricultural and horticultural land." and show the old matter as stricken.

3. On page 4, line 18, strike "other classes or subclasses of property" and insert "all other tangible property and franchises".

4. Strike the E and R amendment, AM5095.

GENERAL FILE

LEGISLATIVE BILL 762. Title read. Considered.

Standing Committee amendments, AM0369, found in the Journal on page 802 for the Thirty-First Day, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Standing Committee amendments, AM0393, found in the Journal on page 815 for the Thirty-First Day, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 444. Title read. Considered.

Standing Committee amendments, AM0344, found in the Journal on page 833 for the Thirty-Second Day, were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 162. 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 162A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendments, AM0657, found in the Journal on page 935 for the Thirty-Seventh Day, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Landis renewed his pending amendment, AM1071, found in the Journal on page 1383.

The Landis 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 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 147, 340, 340A, 410, 414, 587, and 733.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 147

The following changes, required to be reported for publication in the Journal, have been made:
ER6145

1. In the Ashford amendment, AM0891:

a. On page 1, line 10, "a population of" has been inserted after "having", the stricken "more than" has been reinstated, and "a" has been struck; in line 11 "population of" has been struck; in line 15 "more than" has been inserted after the second "of"; in line 16 "or more" has been struck; and in lines 20 and 21 the stricken matter has been reinstated; and

b. On page 2, line 1, "initially" has been inserted after "shall" and "The" has been struck, shown as stricken, and "Thereafter the" inserted.

2. On page 1, line 1, "section" has been struck and "sections" inserted and "and 43-2,119" has been inserted after "5-105"; and in line 4 "to increase the number of judges of the separate juvenile court in certain counties;" has been inserted after the semicolon and "section" has been struck and "sections" inserted.

Enrollment and Review Changes to LB 340

The following changes, required to be reported for publication in the Journal, have been made:
ER6148

1. In lieu of the Warner amendment, FA110, in the Bernard-Stevens amendment, AM1064, on page 2, line 24,

"When the disposition of any human skeletal remains or burial goods is disputed and subject to arbitration under this section, the party in possession of the remains or goods shall retain possession until the arbitration process and appeals provided for in this section are completed." has been inserted after the underscored period.

2. In the Bernard-Stevens et al. amendment, AM1064, on page 3, line 2, "11" has been struck and "12" inserted.

3. In the Conway amendment, AM0883, on page 1, line 5, the second comma has been struck; in line 6 "or" has been struck; in line 7 an underscored comma has been inserted after "ethnological"; in line 8 "and" has been struck; and in line 9 "(7)" has been struck and "(8)" inserted.

4. In the Conway amendment, AM0888:

a. On page 1, line 14, an underscored comma has been inserted after "tribe"; and

b. Amendment 2 has been struck and the remaining amendment renumbered as amendment 2.

5. In the Baack amendment, AM0837, on page 1, line 2, "(2)" has been inserted before "If".

6. In the Baack amendment, FA99:

a. On page 1, the matter beginning with "after" in line 1 through the comma in line 2 has been struck; in line 2 an underscored comma has been inserted before "when"; in line 3 "site" has been inserted after "burial"; in line 14 "(6)" has been struck and "(7)" inserted; and the matter beginning with the second semicolon in line 15 through the last quotation marks in line 16 has been struck; and

b. On page 2, the matter beginning with "line" in line 2 through the first "and" in line 12 has been struck.

7. In lieu of the Chambers amendment, FA54, and page 2, lines 2 through 11, of the Baack amendment, FA99, in the E & R amendment, AM5080:

a. On page 6, line 10, "after a one-year scientific study period if such study period is considered necessary or desirable by the society. In no case shall any human skeletal remains that are reasonably identifiable as to familial or tribal origin be displayed by any entity which receives funding or official recognition from the state or any of its political subdivisions. In situations in which human skeletal

remains or burial goods that are unidentifiable as to familial or tribal origin are clearly found to be of extremely important, irreplaceable, and intrinsic scientific value, the remains or goods may be curated by the society until the remains or goods may be reinterred as provided in this subsection without impairing their scientific value" has been inserted after "discovered"; and

b. On page 7, the matter beginning with "after" in line 2 through "displayed" in line 12 has been struck.

8. Because of the adoption of the Bernard-Stevens et al. amendment, AM1064, the Bernard-Stevens amendment, AM0612, has been struck.

9. In the E & R amendment, AM5080:

a. On page 1, line 20, "society places" has been struck and "placed" inserted;

b. On page 4, line 18, "(1)" has been inserted before "Any";

c. On page 5, lines 8 and 19 and 20, "Nebraska State Historical Society" has been struck and "society" inserted; and in line 24 "non-Indian" has been struck and "non-American-Indian" inserted; and

d. On page 6, line 14, "Nebraska Indian Commission" has been struck and "Commission on Indian Affairs" inserted.

Enrollment and Review Changes to LB 733

The following changes, required to be reported for publication in the Journal, have been made:

ER6146

1. For purposes of correlation with section 19, LB 344:

a. Section 1 has been struck and the following section inserted:

"Section 1. That section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

71-2041.02. (1) (a) The board shall issue a license to an ~~each~~ applicant who submits (i) ~~(a)~~ satisfactory evidence of completion of an associate degree or its equivalent in long-term care administration, allied health, or human services, including completion of one two-credit-hour course in each of the following areas: General administration; social gerontology; health problems of the aged; patient services and care; health and social service delivery systems; and a seminar on contemporary developments in aging, including the Older Americans Act, (ii) ~~(b)~~ completion of an administrator-in-training program under a certified preceptor, and (iii) ~~(c)~~ evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written

examination and a state examination that covers applicable state statutes and rules and regulations adopted and promulgated by the department as approved by the board, 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 (ii) ~~(1)(b)~~ of this ~~section~~ subdivision. The board shall evaluate the experience of an applicant requesting the substitution of the requirements listed in subdivision (ii) of this 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 of a domiciliary or residential care facility. In no case shall the board accept such substitution if the domiciliary or residential care facility while under the direction and administration of the applicant had its license suspended, denied, or revoked. The board shall license administrators in accordance with sections 71-2041.01 to 71-2045.10 and standards, rules, and regulations adopted and promulgated by the board pursuant to such sections. The license shall not be transferable or assignable, and each administrator shall be full time and responsible for the operation of only one licensed facility.

(b) Notwithstanding the provisions of sections 71-2041.01 to 71-2045.10, the board shall issue a license as a nursing home administrator to an applicant who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders who submits satisfactory evidence that he or she (i) has at least two years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity, (ii) is (A) a psychologist with at least a master's degree in psychology from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (B) a physician licensed under the Uniform Licensing Law to practice medicine and surgery or psychiatry and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (C) an educator with at least a master's degree in education from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, or (D) certified as a social worker under the Uniform Licensing Law and has at least three years of social work experience and specialized training or one or more years of experience working

with persons who have experienced traumatic head injury or are severely physically disabled, and (iii) is of good moral character.

A license issued pursuant to this subdivision shall be issued without examination and without the requirement of completion of an administrator-in-training program. Such license may be renewed without the completion of any continuing education requirements.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

(3) Licenses may be denied, suspended, refused renewal, or revoked by the board for due cause which shall include: (a) Fraud in procuring a license; (b) immoral, unprofessional, or dishonorable conduct; (c) habitual intoxication or addiction to the use of drugs; (d) distribution of intoxicating liquors or drugs for other than lawful purposes; (e) conviction of a felony; (f) physical or mental incapacity to perform professional duties; (g) violation of any provision of sections 71-2041.01 to 71-2045.10 or standards, rules, and regulations adopted and promulgated thereunder or of any law, or standards, rules, and regulations adopted and promulgated by the department relating to the proper administration and management of a home for the aged or infirm or nursing home; (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, refused renewal, or revoked except after due notice and opportunity for a hearing. Any denial, suspension, refusal of renewal, or revocation of such license may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06."; and

b. On page 10, line 8, "71-2041.02," has been struck; in line 9 the first comma has been struck; and in line 10 ", section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989," has been inserted after the comma.

2. On page 1, line 1, "nursing home administrators" has been struck and "public health and welfare" inserted; in line 2 "71-2041.02," and the second comma have been struck; in line 3 ", section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, and Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180" has been inserted after "1988"; and in line 8 "to change an operative date for provisions relating to X-ray system operators;" 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 588 in the Journal. No objections. So ordered.

AM1187
(Amendments to Standing Committee amendments, AM0777)
1. On page 8, line 18, after "hundred" insert "fifty".

Mr. Chizek asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1180
1. Insert the following new section:
"Section 1. That section 44-392, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
44-392. It shall ~~hereafter~~ be unlawful for any bank, trust company, investment company, bank affiliate, or corporation, partnership, or association, owned or controlled by any bank, located in any incorporated city of this state having a population of two hundred thousand or over, to sell, write, or solicit any kind or form of insurance except annuities, either directly or indirectly, through any officer, agent, employee, or representative thereof. Any such bank, trust company, investment company, bank affiliate, or corporation, partnership, or association, owned or controlled by any bank, or any officer, agent, employee, or representative thereof, who shall violate the

provisions of this section shall be guilty of a Class II misdemeanor.".

2. On page 10, line 16, after "sections" insert "44-392," and after "44-2002" insert a comma.

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendments to LB 281 in the Journal. No objections. So ordered.

(1)

FA132

Page 3, line 10 after "Each", insert "court"; after "or", insert "court".

(2)

FA133

Page 3, line 15 after "whether", insert "a finding of guilt was made following trial"

(3)

FA134

Page 3, line 20 after "director", insert "Each such record or report of a conviction shall contain a sworn statement signed by the person issuing the record or report that the person issuing the record or report is authorized by the laws of the issuing state to issue such record or report and that the particular conviction was obtained in compliance with all provisions of applicable law in the issuing state."

(4)

FA135

Add "In no case shall points be assessed for a conviction of a traffic infraction in another state unless the statute, code or ordinance on which such conviction is based is the same as Nebraska's. When the statute, code or ordinance on which the conviction is based is the same as Nebraska's, no point assessment shall be greater than if the violation and conviction had occurred in Nebraska."

Mr. Chizek asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1179.)

Messrs. Wesely, Landis, and Hartnett asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1192.)

VISITORS

Visitors to the Chamber were 106 sophomores, juniors, and sponsor from across the state; and 16 third and fourth grade students and teacher from Parkview Christian School, Lincoln.

ADJOURNMENT

At 4:38 p.m., on a motion by Mr. Peterson, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 4, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Crosby, Labedz, and Mr. McFarland who were excused; and Messrs. Abboud, Ashford, Hall, Kristensen, Lindsay, Morrissey, Mmes. Beck, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89024

DATE: March 24, 1989

SUBJECT: Constitutional law. Statutory construction; doctrine of "void for vagueness" and doctrine of unconstitutional delegation of legislative power.

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

You have inquired if section 1(4) of LB 183 of the Ninety-first Legislature, First Session (1989), is constitutionally vague and whether section 6 of LB 183, as amended, is an unconstitutional delegation of legislative power. Each is hereinafter discussed.

Section 1(4) of LB 183, as amended, would permit a child's parent or guardian to decide what public school or public school district is best for the child based upon several factors, including "The quantity and quality of the staff at such school and school districts." Based on the provision quoted, you have inquired if it would be a legitimate purpose for a student to attend a public school in a school district other that the school district of his or her residence or ward based upon an athletic coach's reputation and the record or performance of the teams coached?

Although most decisions involving the constitutional "void for vagueness" doctrine have dealt with statutes and ordinances involving criminal sanctions, the doctrine applies equally to civil statutes. In the Interest of D. L. H., 198 Neb. 444, 253 N.W.2d 283 (1977). The accepted test for determining whether a statute is vague is whether it forbids or requires doing of an act in terms so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application. State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980). Applying the above test to section 1(4) of LB 183, it is clear that a person of ordinary intelligence could not be expected to know the meaning of the words "quantity and quality of the staff" as those words are used therein. For example, does the words "quantity . . . of the staff" mean two coaches? Or perhaps three or more coaches? Likewise, does the words "quality of the staff" mean the won-loss record of the head coach or the won-loss record of all the coaches or does it have some other meaning? The words "quantity and quality of the staff" in section 1(4) of LB 183, as amended, can obviously mean many things and men of common intelligence must necessarily guess as to their meaning and will, of course, differ as to their application. Consequently, we are of the opinion that section 1(4) of LB 183 is void for vagueness.

Section 6 of LB 183, as amended, would require the school board or board of education of option school districts to adopt by resolution specific standards for acceptance and rejection of students

who desire to attend a certain option school district but who are not residents thereof. You have inquired if this requirement is an unconstitutional delegation of legislative power?

We think not. The general doctrine of prohibiting the delegation of legislative authority has no application to the vesting in political subdivisions the power to govern matters which are local in scope. See Peterson v. Cook, 175 Neb. 296, 121 N.W.2d 399 (1963).

Conclusion

We are of the opinion that section 1(4) of LB 183, as amended, is void for vagueness and section 6 of LB 183, as amended, is not an unconstitutional delegation of legislative power. Your first question stated herein is therefore answered "yes" and your second question stated herein is therefore answered "no."

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
20-627-8

Opinion No. 89025

DATE: March 30, 1989

SUBJECT: Constitutionality of LB 809 - Property Tax Relief Trust Fund Act

REQUESTED BY: Senator Timothy J. Hall
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on several questions relating to LB 809. Generally, LB 809 would create a Property Tax Relief Trust Fund {the "Fund"}, which would be based on the amount by which net general fund receipts from state tax revenues exceed projected or forecasted net general fund receipts for the fiscal year. This Fund would be distributed to county treasurers to reimburse local taxing subdivisions for reduced revenues resulting from the percentage credit

or reduction provided to all property taxpayers by operation of the Act.

Your initial question concerns whether Section 5 of the bill, which provides that the amount to be certified by the State Tax Commissioner to the State Treasurer for deposit into the Fund shall be based on the amount by which actual net general fund receipts exceed net general fund receipts as forecasted by the Nebraska Economic Forecasting Advisory Board {the "Board"}, represents an unconstitutional delegation of legislative power to the Board.

In the case of In re Estate of West, 226 Neb. 813, 415 N.W.2d 769 (1987), the Nebraska Supreme Court addressed a challenge to the constitutionality of the Nebraska estate tax. The personal representative of the West estate contended that the Nebraska Legislature, by adopting a state estate tax determined by reference to the amount of federal estate tax liability, had unconstitutionally delegated the taxing power of the state in contravention of the non-delegation doctrine. Rejecting the argument that the reference to federal estate tax law in specifying the computation of Nebraska estate tax represented an unconstitutional delegation of legislative power, the court stated:

> Whether the Nebraska estate or excise tax, § 77- 2101.01, is imposed on the transfer of every Nebraska resident's estate is a matter of legislative prerogative exercisable only by the Nebraska Legislature and not exercisable by any other legislature, such as the U.S. Congress. Although the Nebraska estate tax is correlative in operation with the federal estate tax law, inasmuch as the amount of the Nebraska estate tax is computed, and eventually determined, by reference to the state death tax credit used in fixing federal estate tax liability, the Nebraska estate tax is, nevertheless, authorized and imposed in a statute enacted by the Nebraska Legislature and does not exist independent of such legislative act of the Nebraska Legislature.
>
> * * *
>
> . . . {W}e conclude that § 77-2101.01 specifies a tax which, although referable to federal law for computation of the amount payable to the State of Nebraska, remains subject to the power of the Nebraska Legislature, which determines whether such tax exists or will continue to exist.

Id. at 826-27, 415 N.W.2d at 779.

Analyzing the provisions of LB 809, it is evident that, while the amount of general fund receipts to be transferred to the Fund will depend, in part, on the forecast of general fund receipts made by the Nebraska Economic Forecasting Advisory Board, this does not constitute an impermissible delegation of legislative power to the

Board. Under LB 809, no legislative authority would, in fact, be delegated to the Board; rather, the bill simply provides that the advisory forecast of net general fund receipts for the fiscal year computed by the Board in connection with its duties under Neb.Rev.Stat. §§ 77-27,156 to 77-27,159 (Reissue 1986 and Cum. Supp. 1988) shall be used in determining the amount of any general fund revenues to be certified by the Tax Commissioner to the State Treasurer for transfer into the Fund. The Legislature has not delegated any of its legislative power to establish the Fund and to set forth the manner in which the amount to be deposited in the Fund is to be calculated. The mere reference to the amount of forecasted general fund receipts made by the Board in computing the amount to be transferred does not, based on the rationale of the decision in West, represent an unconstitutional delegation of legislative power to the Board.

Your second question concerns whether the Section 6 of the bill, which requires the State Treasurer to distribute to county treasurers the amount of property tax relief available in the Fund, violates Article III, Section 25, of the Nebraska Constitution, which prohibits the expenditure of state funds without a specific appropriation.

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

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

With regard to this constitutional provision, the Nebraska Supreme Court has stated the following:

> The latter section makes necessary a specific appropriation for a particular purpose, and forbids the drawing of a single dollar from the state treasury unless authorized by an appropriation.
>
> * * *
>
> Under the Constitution it is not within the province of executive or administrative officers to determine the purpose for which the state's funds may be expended. Only the legislative branch of the government may declare for what purpose and within what amounts state funds may be expended. Any other expenditure than that authorized by the Constitution and valid enactments thereunder is unlawful.

Fischer v. Marsh, 113 Neb. 153, 156, 202 N.W. 422, 423 (1925). See, also, Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947); Ruge v. State, 201 Neb. 391, 267 N.W.2d 748 (1978).

In order to clarify what constitutes a specific appropriation under Article III, Section 25, the Legislature in 1979 enacted a law spelling out the necessary requirements for a valid appropriation under the State Constitution. Laws 1979, LB 232 (codified at Neb.Rev.Stat. §§ 49-804 to 49-805 (Reissue 1988)). Section 49-804 provides as follows:

An appropriation shall only exist when the following criteria have been met:

(1) There shall be included 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.

Neb.Rev.Stat. § 49-805 (Reissue 1988) further provides that "Any legislation not meeting the criteria established in section 49-804 shall not be considered a valid appropriation as defined in Article 3, section 22 of the Nebraska Constitution."

Obviously, LB 809 does not contain any language specifically appropriating monies transferred to the Fund. Furthermore, as noted previously, no general fund monies may be distributed from the state treasury in the absence of a valid legislative appropriation. Accordingly, the provisions of Section 6 of the bill alone, providing for distribution of the Fund by the State Treasurer to county treasurers, would not be sufficient to permit actual distribution of the Fund absent the adoption of an appropriations bill meeting the requirements of § 49-804. The adoption of an appropriations bill in compliance with Article III, Section 25, and § 49-804, would eliminate any constitutional question based on the lack of a specific appropriation to permit distribution of the Fund created under LB 809.

Finally, you ask whether it would be permissible under the criteria contained in § 49-804 to provide an appropriation of state funds where the precise amount of state funds to be expended is not ascertainable until the end of the fiscal year.

Assuming that an appropriations bill were to be prepared in accordance with the current provisions of LB 809, it appears that the exact dollar amount to be appropriated could not be included therein by virtue of the fact that the amount of actual net general fund receipts in excess of the amount of net general fund receipts forecasted by the Board could not be determined until the end of the

fiscal year, at which time this amount is to be certified by the Tax Commissioner to the State Treasurer for transfer into the Fund. The inability to include a precise dollar amount in such an appropriation, however, does not necessarily render an appropriation of this nature insufficient under §49-804 or Article III, Section 25.

The general rule regarding constitutional requirements that appropriations must be specific in amount is stated in 81A C.J.S. States § 237 (1977) as follows:

> {I}f the statute making an appropriation distinctly sets aside the whole of a special fund thereby created, and no other funds, for a designated purpose, the appropriation complies sufficiently with the constitutional requirements and is valid.
>
> * * *
>
> Even where specification of the amount is required, it is sufficient if the amount of the appropriation is ascertainable by a mathematical calculation. It is not essential or vital to an appropriation that it should be for an amount definitely ascertained prior to the appropriation; and an appropriation, the amount of which will be made certain by a mere mathematical computation, if the provisions of the act are carried into effect, sufficiently complies with this requirement.

In Cox v. Bates, 237 S.C. 198, 116 S.E.2d 828 (1960), the Supreme Court of South Carolina upheld the constitutionality of a statute providing for the creation and maintenance of a fund from excess state revenues to be distributed to counties for general public school purposes against a challenge that the appropriation of the surplus was indefinite in amount and thus did not comply with the state constitutional requirement of specificity in appropriations. In this regard, the court stated:

> Complaint is made that the appropriation of the surplus to the counties is in indefinite amount. But it is as definite as it could have been made when the law was enacted. It is of all of the surplus, if any, when ascertained, after the setting aside of the fixed reserve fund. Simply arithmetic makes it definite and certain.

Id. at _____, 116 S.E.2d at 837.

Similarly, in Black v. Oklahoma Funding Bond Commission, 193 Okla. 1, 140 P.2d 740 (1943), the Supreme Court of Oklahoma dealt with a challenge to the constitutionality of an act transferring and appropriating the amount of revenues accruing in the state general fund in excess of total legislative appropriations into the State Bond Retirement Fund. In upholding the constitutionality of the act against the contention that the appropriation of the general fund surplus in this manner failed to satisfy the specific appropriation requirement in the Oklahoma Constitution, the court stated:

> Of the fifth ground of attack we observe that the act became law before the end of the fiscal year 1942-43 and therefore the amount of surplus which would accrue in the fund could not be stated in a definite amount when same was passed. As to the suggestion that the act does not distinctly specify the sums appropriated, we observe that the act devotes the entire surplus, whatever it may be when capable of ascertainment, to the purposes therein specified. The case of Edwards v. Childers, 102 Okl. 158, 228 P. 472, is controlling in that regard. Therein we held in paragraph three of the syllabus as follows: "A legislative act creating a special fund, all of which is, by the terms of the act, appropriated and directed to be expended for a special purpose and in an express manner amounts to an appropriation of the entire fund so created, and where the amount accruing to and paid into said fund is capable of being definitely ascertained, it is sufficiently definite and certain to comply with the provisions of article 5, § 55, of the Constitution."
>
> In this act the Legislature created a special fund of this surplus which was capable of specific ascertainment by ordinary bookkeeping methods and calculations at a time previous to the time when the law should be first administered.

Id. at _____, 140 P.2d at 745.

See also, State v. Moore, 50 Neb. 88, 99, 69 N.W. 373, 377 (1896) ("An appropriation may be specific. . . when its amount is to be ascertained in the future from the collection of the revenue.").

On the basis of the foregoing, we believe that it would be possible to adopt appropriation language permitting distribution of the Fund created under LB 809 which would be sufficient to satisfy the specific appropriation requirement in Article III, Section 25, as well as the requirements of § 49-804. The amount of excess or surplus net general fund receipts to be transferred into the Fund for distribution to the counties may be determined by a simple mathematical calculation. Accordingly, appropriation language adopted on this basis would not render the amount indefinite or uncertain, in contravention of Nebraska constitutional and statutory requirements governing the validity of legislative appropriations.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell

Clerk of the Legislature
7-105-13

Opinion No. 89026

DATE: March 31, 1989

SUBJECT: Constitutionality of LB 775, as amended - Tax Rate on Gross Receipts from Bingo Operations Conducted in Nebraska

REQUESTED BY: Senator Sharon Beck
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on the constitutionality of LB 775, as amended by Revenue Committee Amendment AM 308. Generally, LB 775 proposes to alter the tax rates applied to the gross receipts of licensed bingo operations conducted in Nebraska. The Revenue Committee amendment to LB 775 would retain the current state tax rate under Neb.Rev.Stat. §9-239 (Reissue 1987) on bingo activities conducted in the state at six percent of gross receipts, and would also retain the current local tax rate on bingo activities at four percent of gross receipts. The amendment would, however, alter the local tax rate for bingo operations conducted within any city of the metropolitan class by setting such rate at two percent of gross receipts. Your question concerns whether the difference in tax rates for cities or villages and cities of the metropolitan class proposed under this amendment is constitutionally permissible.

It appears the primary constitutional issue raised by the amendment is whether the differences in local tax rates provided between cities or villages and cities of the metropolitan class represents an unreasonable classification and contravenes the prohibition against special legislation contained in Article III, Section 18, of the Nebraska Constitution. In this regard, the Nebraska Supreme Court has stated: "It is clearly competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." Shear v. County Board of Commissioners, 187 Neb. 849, 853, 195 N.W.2d 151, 154 (1972).

The question to be addressed thus concerns whether a rational or reasonable basis can be articulated to support the different tax rates established under the bill for cities or villages and cities of the metropolitan class. In this regard, it should be noted that §9-239 provides that the proceeds from the taxes in question are to be used ". . . for the costs of regulation and enforcement of the Nebraska Bingo Act." Given the differences in community size between the local government entities subject to classification under the bill, it is conceivable that a lower tax rate for larger communities may be rationally based in that the cost of regulation and enforcement of the bingo act may have a more substantial impact on the resources of small communities in comparison to cities of the metropolitan class.

As is the case in all situations addressing the reasonableness of statutory classifications, the determination of reasonableness is one which must, in the first instance, rest with the Legislature. In Bridgeford v. U-Haul Co., 195 Neb. 308, 316, 238 N.W.2d 443, 449 (1976), the Nebraska Supreme Court stated: "{W}hether there was a reasonableness basis for the enactment of the statute in question is primarily a matter of legislative determination, subject to limited judicial scrutiny." Upon consideration of the foregoing, it is our opinion that the different tax rates on gross receipts from bingo operations conducted in cities and villages and cities of the metropolitan class established under LB 775 are not, per se, unreasonable and without any conceivable rational basis. Accordingly, we do not believe that LB 775, as amended, represents unreasonable special class legislation in contravention of Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-196-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 64, LR 66, and LR 67.

MOTION - Place LB 188 on General File

Messrs. Withem and Schmit renewed their pending motion, found in the Journal on page 1383, to suspend Rule 3, Section 17 and place LB 188 on General File notwithstanding the action of the Education Committee.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 11 nays, and 18 not voting.

Mr. 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. 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 motion to place on General File.

Voting in the affirmative, 22:

Ashford	Hall	Lindsay	Pirsch	Schmit
Chambers	Hannibal	Lynch	Robak	Weihing
Chizek	Hartnett	Moore	Rogers	Wesely
Conway	Johnson, R.	Morrissey	Schellpeper	Withem
Elmer	Landis			

Voting in the negative, 22:

Baack	Beyer	Haberman	Lamb	Scofield
Barrett	Byars	Hefner	Langford	Smith
Beck	Coordsen	Johnson, L.	Nelson	Warner
Bernard-Stevens	Dierks	Korshoj	Peterson	Wehrbein
	Goodrich	Kristensen		

Excused and not voting, 5:

Abboud	Crosby	Labedz	McFarland	Schimek

The Withem-Schmit motion to place on General File lost with 22 ayes, 22 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 247. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Ashford, 6th District; Moore, 24th District.

WHEREAS, massage therapy is the fastest growing profession in the country; and

WHEREAS, the American Massage Therapy Association is the largest association of massage therapists in the world; and

WHEREAS, in Nebraska, the massage therapy profession has grown more than two hundred percent in the past five years; and

WHEREAS, the significant growth in the profession demonstrates that many Nebraskans and others throughout the nation are seeking the therapeutic benefits provided by massage therapy; and

WHEREAS, in recognition of the growth of the profession of massage therapy and to disseminate information regarding the practice and benefits of massage therapy to as many as possible, the week of October 22-29 of each year shall be designated Massage Therapy Awareness Week in Nebraska.

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

1. That the Legislature hereby declares the week of October 22-29 of each year as Massage Therapy Awareness Week in Nebraska.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 2CA. E & R amendment, AM5095, found in the Journal on page 1225 for the Forty-Ninth Day, was adopted.

Mr. R. Johnson renewed his pending amendment, AM1072, found in the Journal on page 1455.

Messrs. Withem, Chizek, and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

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.

The R. Johnson amendment was adopted with 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

Mr. Moore 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 requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud	Conway	Johnson, L.	Lindsay	Rogers
Baack	Coordsen	Johnson, R.	Moore	Schellpeper
Barrett	Dierks	Korshoj	Morrissey	Schimek
Beck	Elmer	Kristensen	Nelson	Scofield
Bernard-Stevens	Haberman	Lamb	Peterson	Smith
	Hartnett	Landis	Pirsch	Wehrbein
Beyer	Hefner	Langford	Robak	Weihing
Byars				

Voting in the negative, 6:

Ashford	Hall	Hannibal	Schmit	Warner
Chambers				

Present and not voting, 3:

Goodrich	Lynch	Wesely

Excused and not voting, 5:

Chizek	Crosby	Labedz	McFarland	Withem

Advanced to E & R for Engrossment with 35 ayes, 6 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 54A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 335. E & R amendments, AM7003, found in the Journal on page 1399 for the Fifty-Sixth Day, were adopted.

Mr. Wesely offered the following amendment:
AM1209

1. Insert the following new sections:

"Section 1. That section 50-419, Reissue Revised Statutes of Nebraska, 1943, 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 of the Legislature. 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 incentives and revenue receipts related to the Employment and Investment Growth Act and the Employment Expansion and Investment Incentive Act. The report shall state the incentives applied for under each act and the refunds

allowed on investments, the credits earned, the credits used to reduce income tax liability, 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. The report shall present such information in groups aggregated to contain ten or more taxpayers receiving benefits under each act.

(7) The information necessary to prepare the report 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;

(g) To establish a system of program and policy monitoring and performance review; and

(h) To prepare an annual analysis, based on information provided by the Legislative Fiscal Analyst and any other relevant sources, of the cost-effectiveness of projects under the Employment and Investment Growth Act and the Employment Expansion and Investment Incentive Act with consideration given to job growth, retention, and reduction, wages, expansion of capital investment, and such other factors as may be relevant. The committee may contract for the preparation of the analysis.

(2) The Legislative Fiscal Analyst, with the assistance of the Director of Research, shall implement the 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 report shall also be made available to the public.

Sec. 7. Sections 6, 7, and 8 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1987, under the Internal Revenue Code of 1986, as amended. Sections 3 to 5 and 9 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1989, under the Internal Revenue Code of 1986, as amended. The other sections of this act shall become operative on their effective date.

Sec. 10. That original sections 50-419 and 50-702, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber the remaining sections accordingly.

3. In the Standing Committee amendment, AM0568, strike original section 6.

Messrs. Haberman and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rogers requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. Wesely challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 8 ayes, 15 nays, 18 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM0857

1. Insert the following new section:

"Sec. 13. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic liquors, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m. The local governing body of any city or village, with respect to area within the corporate limits of such city or village, or the county board, with respect to area outside the corporate limits of any city or village, may, by ordinance or resolution, require closing prior to 1:00 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area within the corporate limits of a city or village, or by resolution of a county board applicable to area within such county and outside the corporate limits of any city or village, no alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic liquors, other than beer and wine, to be sold

at retail or dispensed for consumption off the premises between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. If approved by ordinance or resolution of a local governing body or county board, alcoholic liquor may be sold at retail for consumption on the premises between the hours of 12:00 noon on Sunday and 1:00 a.m. Monday. ~~, or for consumption on the premises between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday.~~ This subsection shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a license issued pursuant to either subdivision (5)C. or (5)H. of section 53-124.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 6:00 a.m. on any day. ~~Where~~ When any city or village provides by ordinance, or any county provides by resolution, for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.".

2. On page 30, line 10, after the third comma insert "53-179,".

3. Renumber remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 566 in the Journal. No objections. So ordered.

AM1167

1. On page 7, line 25, strike "or" and show as stricken.

2. On page 8, line 9, after the semicolon insert "or"; and after line 9 insert the following new subdivision:

"(ix) Fees, dues, or the cost of membership paid to any organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, when the person paying

such fees, dues, or cost of membership obtains voting rights in such organization and notwithstanding that the membership also includes access to and use of facilities, places, or locations owned by the organization free of charge;".

3. On page 15, line 14, after "include" insert "(i)" and strike "(i)" and show as stricken; in line 15 strike the third "or" and show as stricken; in line 16 after (ii)" insert "fees charged by"; and in line 21 after "school" insert ", or (iii) fees, dues, or the cost of membership paid to any organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, when the person paying such fees, dues, or cost of membership obtains voting rights in such organization and notwithstanding that the membership also includes access to and use of facilities, places, or locations owned by the organization free of charge".

Mr. Haberman asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM1049

(Amendments to the Standing Committee amendment, AM0812)

1. On page 2, line 3, strike "changes" and insert "change"; and strike beginning with the period in line 4 through line 8 and insert "when the change occurs. A change in the family unit after retirement occurs (1) upon the death of the officer, (2) upon the death of the spouse or a dependent child, (3) upon the birth of a dependent child, (4) upon the divorce of the officer and his or her spouse, (5) when the officer no longer provides support for a dependent child, and (6) when a dependent child becomes nineteen years of age. Each officer or surviving spouse whose annuity is adjusted pursuant to this section shall file an annual report with the retirement system, on a form prescribed by the Public Employees Retirement Board, to verify the size of the family unit. For purposes of this section, family unit shall include the officer, his or her spouse at the time of retirement, the officer's legal dependent children under nineteen years of age, and the officer's dependent handicapped children.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 603A. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninety-first Legislature, First Session, 1989.

VISITORS

Visitors to the Chamber were 51 members of the Nebraska Federation of Women's Clubs from across the state; 85 fourth grade students and teacher from Cather School, Omaha; 33 fourth grade students and teacher from Wildwood Elementary School, Ralston; 20 eighth grade students and teacher from Clearwater; and 105 seniors and teachers from Millard South High School.

RECESS

At 11:57 a.m., on a motion by Mr. Hall, 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 Mmes. Crosby, Labedz, and Mr. McFarland who were excused; and Messrs. Ashford, R. Johnson, and Wehrbein who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Introduce New Bill

Mr. Warner renewed his pending motion, found in the Journal on page 1409, for the introduction of a new bill by the Appropriations Committee, Req. 1215.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 812. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 781, section 6, Laws 1988, LB 1040A, section 22, and Laws 1988, LB 1041, section 45; to make deficit appropriations; to make and change appropriations; to define terms; to state intent; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Messrs. Lamb and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Mr. Warner renewed his pending motion, found in the Journal on page 1409, to suspend the rules, Rule 3 Sections 4(e) and 13, and Rule 6, Section 1, to place LB 812 (Req. 1215) on General File.

The Warner motion prevailed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 335. Mr. Wesely moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Wesely amendment, AM1209.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 11:

Bernard-Stevens	Hall	Landis	Nelson	Schimek
Dierks	Johnson, R.	Morrissey	Schellpeper	Wesely
	Korshoj			

Voting in the negative, 22:

Abboud	Byars	Hannibal	Lindsay	Robak
Ashford	Chizek	Johnson, L.	Lynch	Rogers
Barrett	Conway	Kristensen	Peterson	Warner
Beck	Coordsen	Langford	Pirsch	Wehrbein
Beyer	Goodrich			

Present and not voting, 9:

Baack	Haberman	Hefner	Scofield	Withem
Elmer	Hartnett	Schmit	Weihing	

Excused and not voting, 7:

Chambers	Labedz	McFarland	Moore	Smith
Crosby	Lamb			

The Wesely motion to suspend the rules lost with 11 ayes, 22 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Hall offered the following amendment:
FA136
p. 2, line 18, strike "five hundred"

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. Hall requested a record vote on his amendment.

Voting in the affirmative, 4:

Hall	Landis	Lindsay	Warner

Voting in the negative, 26:

Ashford	Chizek	Haberman	Moore	Rogers
Barrett	Conway	Johnson, L.	Morrissey	Schellpeper
Beck	Coordsen	Korshoj	Nelson	Schimek
Bernard-Stevens	Dierks	Kristensen	Peterson	Schmit
Byars	Elmer	Lamb	Robak	Wesely
	Goodrich			

Present and not voting, 13:

Baack	Hartnett	Langford	Scofield	Weihing
Beyer	Hefner	Lynch	Wehrbein	Withem
Hannibal	Johnson, R.	Pirsch		

Excused and not voting, 6:

Abboud	Crosby	Labedz	McFarland	Smith
Chambers				

The Hall amendment lost with 4 ayes, 26 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 335A. Advanced to E & R for Engrossment.

PROPOSED RULE CHANGE

Mr. Wesely asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

I move to amend Rule 5, Section 6, by striking subsections (a), (b), (c), (d), (e), and renumbering remaining sections.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 482. Placed on Select File as amended.
E & R amendments to LB 482:
AM7035

1. On page 10, line 17, after the comma insert "or".
2. On page 14, line 5, reinstate the stricken comma; and in line 16 strike the comma and show as stricken.
3. On page 19, lines 4 and 5, strike all commas and insert underscored semicolons.
4. On page 68, strike beginning with "Nebraska" in line 2 through "Act" in line 3 and insert "act".
5. On page 83, line 15, strike the first "be".
6. On page 85, line 1, strike "section" and insert "subsection".
7. On page 94, line 7, strike "fund" and insert "Uniform Limited Partnership Cash Fund".

LEGISLATIVE BILL 695. Placed on Select File as amended.
E & R amendments to LB 695:
AM7021

1. On page 19, line 2, strike "37-1203" and insert "37-1204" and strike "37-1204" and insert "37-1203".
2. On page 28, strike beginning with "section" in line 4 through line 5 and insert "sections 39-602 and 71-4603"; and in line 19 strike "as" and show as stricken.

LEGISLATIVE BILL 392. Placed on Select File as amended.
E & R amendment to LB 392:
AM7025

1. On page 2, line 2, strike "person" and

2 insert "candidate".

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LB 137 and LB 611. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 705. E & R amendments, AM7004, found in the Journal on page 1399 for the Fifty-Sixth Day, were adopted.

Mr. Moore moved to indefinitely postpone LB 705.

Mr. Moore withdrew his pending motion to indefinitely postpone.

Mr. Moore requested a machine vote on the advancement of the bill.

Mr. Lindsay moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Lindsay requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Conway	Hall	Langford	Schellpeper
Ashford	Coordsen	Hartnett	Lindsay	Wehrbein
Beck	Dierks	Johnson, L.	Lynch	Weihing
Bernard-Stevens	Elmer	Johnson, R.	Nelson	Wesely
Chizek	Goodrich	Landis	Pirsch	Withem

Voting in the negative, 10:

Barrett	Byars	Korshoj	Lamb	Robak
Beyer	Haberman	Kristensen	Moore	Scofield

Present and not voting, 7:

Hannibal	Morrissey	Rogers	Schimek	Warner
Hefner	Peterson			

Absent and not voting, 1:

Baack

Excused and not voting, 6:

Chambers Labedz McFarland Schmit Smith
Crosby

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 395. Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Haberman, 44th District.

PURPOSE: The State of Nebraska currently has retirement systems for various groups of employees, including judges, state employees, school employees, the Nebraska State Patrol, and county employees. Additionally, the Legislature has established various retirement provisions for groups of employees of the state's subdivisions of government.

The purpose of this resolution is to study the various retirement systems administered by the state as well as the retirement systems authorized or required by subdivisions of government. Such a study shall include, but not be limited, to the following issues: Defined benefit plans versus defined contribution plans; funding, disability and survivor benefits; unfunded liability; costs of improved benefits; cost-of-living adjustments; prefunding benefits; lump-sum withdrawals of employee's account; early retirement; social security

income; and the advantages and disadvantages of changing the retirement laws of the state.

The committee designated to conduct the study shall solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.

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

1. That the Nebraska Retirement Systems 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
Rules

Your Committee on Rules gives notice of Public Hearing in room 1520 for the following proposed rule change:
Thursday, April 6, 1989 8:15 a.m.
Wesely, Amend Rule 5, Sec. 6

(Signed) Daniel Lynch, Chairperson

SELECT FILE

LEGISLATIVE BILL 285. E & R amendments, AM5092, printed separately from the Journal and referred to on page 1175 for the Forty-Seventh Day, were adopted.

Mr. Lamb renewed his pending amendment, AM0925, found in the Journal on page 1190.

The Lamb amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Lamb renewed his pending amendment, AM1043, found in the Journal on page 1342.

The Lamb amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb offered the following amendment:
FA137
(1) In the Transportation Committee Standing Committee Amendment strike new sections 3 and 4;
(2) On page 30, line 7 reinstate "certified";
(3) On page 63, line 1 reinstate "certified";
(4) On page 74, line 7 reinstate "certified";
(5) On page 78, line 10 reinstate "certified";
(6) On page 80, line 11 reinstate "certified";
(7) Renumber remaining sections accordingly

The Lamb 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.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 285A. Mr. Lamb renewed his pending amendment, AM1121, found in the Journal on page 1408.

The Lamb amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 279. Mr. Wesely asked unanimous consent to replace his pending amendment, AM0817, found in the Journal on page 1102, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, AM0817, found in the Journal on page 1102.

Mr. Landis moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Landis-Wesely-Hartnett substitute amendment, AM1192, printed separately from the Journal and referred to on page 1464.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Landis motion to suspend the rules prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Hall requested a division of the question on the Landis-Wesely-Hartnett substitute amendment.

The Chair sustained the division of the question.

The first Landis-Wesely-Hartnett amendment is as follows:
FA138

1. Insert the following new sections:

Sec. 4. That section 44-4216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4216. There is hereby created a nonprofit entity to be known as the Comprehensive Health Insurance Pool. All insurers authorized to issue or provide health insurance in this state on or after September 6, 1985, shall be members of the pool. The pool shall be managed by a board of directors composed of nine directors. The board shall at all times, to the extent possible, include at least two representatives of domestic insurance companies, one representative of a health maintenance organization, one representative of a health agency which is involved in advocating for persons with special health care needs, and one representative of the general public. The director shall adopt and promulgate rules and regulations to establish eligibility and selection criteria for the representative of the general public.

Sec. 5. That section 44-4220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4220. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the business of health insurance and, in addition thereto, the power to carry out the provisions and purposes of the Comprehensive Health Insurance Pool Act, including the specific authority to:

(1)(a) Enter into contracts as are necessary or proper, including the authority, with the approval of the director, to enter into contracts with similar pools from other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions; and

(b) Enter into contracts, with the approval of the director, with any physician, hospital, or other person licensed or otherwise authorized in this state to furnish health care services for arranging a health care plan as defined in section 44-3206 or for participating in an insurance arrangement as defined in section 44-4104;

(2) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against pool members;

(3) Take such legal action as necessary to avoid the improper issuance of coverage provided by or through the pool;

(4) Establish appropriate rates and rate schedules, expense allowances, agents' solicitation and referral fees, claim reserves and formulas, and any other actuarial functions appropriate to the operation of the pool;

(5) Assess members of the pool at the end of each calendar year and make advance interim assessments as may be reasonable and necessary to provide for losses resulting from claims incurred under the act and for administrative, organizational, and interim operating expenses to assure the financial stability of the pool. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the calendar year. Assessments shall be due and payable within thirty days of receipt of the assessment notice;

(6) Issue policies of insurance in accordance with the requirements of the plan of operation and the act and, with the approval of the director, refuse to renew all policy forms for a class of contract and offer a conversion privilege to any person insured by the pool;

(7) Appoint from among members appropriate legal, actuarial, and other committees as necessary to

provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the pool;

(8) Borrow money to effectuate the purposes of the act. Any notes or other evidence of indebtedness of the pool not in default shall be legal investment for insurers and may be carried as admitted assets; and

(9) Enter into reinsurance agreements and establish rules, conditions, and procedures for reinsuring risks under the act.

Sec. 6. That section 44-4222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4222. (1) A person shall not be eligible for initial or continued coverage under the pool if:

(a) He or she is eligible for medicare benefits or medical assistance established pursuant to sections 68-1018 to 68-1025 or is a resident or inmate of a correctional facility;

(b) He or she has terminated coverage in the pool; unless twelve months have elapsed since such termination;

(c) The pool has paid out five hundred thousand dollars in claims for the person; or

(d) He or she is no longer a resident of Nebraska.

(2) Coverage under the Comprehensive Health Insurance Pool Act shall terminate for any person on the date the person becomes ineligible under subsection (1) of this section.

~~(3) Any person whose health insurance coverage is involuntarily terminated for any reasons other than nonpayment of premium and who is not eligible for a conversion policy may apply for coverage under the Comprehensive Health Insurance Pool Act, but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if coverage is applied for under the act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, the effective date of the coverage shall be the day following termination of the previous coverage. Any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any,~~

~~under the prior health insurance coverage have been satisfied. The board may assess an additional premium for coverage provided under the act in this manner, notwithstanding the premium limitations stated in section 44-4227.~~

Sec. 7. That section 44-4227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4227. Premium rates charged for pool coverage may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Rates shall directly relate to the coverage provided, risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age, sex, and area variation in claim costs in accordance with established actuarial and underwriting practices.

The pool shall determine the standard risk rate by calculating the average individual rate charged by the five insurers writing the largest amount of individual health insurance coverage in the state actuarially adjusted to be comparable with the pool coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated risk experience and expenses for such coverage. The initial annual premium rate established for pool coverage shall not be more than one hundred thirty-five percent of rates established as applicable for individual standard risks. Subsequent annual rates shall be established to provide for the expected costs of claims, including recovery of prior losses, expenses of operation, investment income of claim reserves, and any other cost factors subject to the limitations described in this section. In no event shall pool rates exceed one hundred sixty-five percent of rates applicable to individual standard risks. ~~, except as provided by subsection (3) of section 44-4222.~~ All rates and rate schedules shall be submitted to the director for approval.

Sec. 8. That section 44-4228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4228. ~~Except as provided by subsection (3) of section 44-4222, pool~~ Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition (1) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or (2) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

Sec. 9. Sections 1, 2, and 10 of this act shall become operative three calendar months after adjournment of the Ninety-first Legislature, First Session. The other sections of this act shall become operative on their effective date.

Sec. 11. That original sections 44-3503, 44-4216, 44-4220, 44-4222, 44-4227, and 44-4228, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

Messrs. Hefner and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

The first Landis-Wesely-Hartnett amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The second Landis-Wesely-Hartnett amendment is as follows:
FA139

"Sec. 3. That section 44-3503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3503. No person shall transact~~,~~ in any manner~~,~~ a service contract business in this state without a valid certificate of authority from the director. Any person without a certificate of authority who ~~shall transact,~~ transacts in any manner~~,~~ a service contract business in this state shall be deemed an

unauthorized insurer and shall be subject to~~,~~ the Uniform Unauthorized Insurers Act in addition to penalties provided in sections 44-3501 to 44-3519. Such sections ~~, the Uniform Unauthorized Insurers Act, Chapter 44, article 20. Sections 44-3501 to 44-3519~~ shall not apply to or in any way prevent:

(1) The giving of usual performance guaranties by either the manufacturer or seller of any product as long as no identifiable charge is made in conjunction with such guaranty and as long as no liability is created in any third party;

(2) The selling of mechanical breakdown insurance written by an insurer authorized to transact such insurance business;

(3) The offering of a service contract on a new home when such contract is underwritten by an insurer licensed to do business in this state if the insurance policy underlying such program has been filed with and approved by the department;

(4) The issuance of service contracts by a manufacturer or retailer covering products actually sold or leased by such manufacturer or retailer when such manufacturer or retailer maintains service facilities and staff or arranges for authorized facilities and staff which ~~shall~~ will be solely responsible for providing service, maintenance, repair, or replacement. In limited circumstances such manufacturer or retailer may provide reimbursement to the consumer for service obtained by the consumer. The issuance of such contracts shall not be subject to Chapter 44;

(5) The issuance or extension of service contracts by a repair facility, other than a motor vehicle repair facility, when such repair facility has served as the authorized service facility for the manufacturer or retailer~~,~~ or when the repair facility has performed repairs on the product to be covered by the service contract. The issuance of such contracts shall not be subject to Chapter 44; ~~or~~

(6) The selling, furnishing, or making available of motor club memberships or the providing of motor club services for motor club members; or

(7) The issuance or extension in this state of service contracts covering gas or electric appliances and heating or cooling systems by a regulated natural

gas or electric utility. The issuance of such contracts shall not be subject to Chapter 44.

Messrs. Peterson and Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem offered the following amendment to the pending Landis-Wesely-Hartnett amendment:
FA140
In the new language found in subsection 7, strike the following "by a regulated natural gas or electric utility"

Pending.

VISITORS

Visitors to the Chamber were 21 fourth grade students and teacher from Axtell Community School.

ADJOURNMENT

At 4:52 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 1:30 p.m., Wednesday, April 5, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 5, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 1989

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, McFarland, Rogers, Mmes. Crosby, and Labedz who were excused; and Messrs. Chambers, Dierks, Kristensen, Lamb, Lindsay, Moore, Peterson, and Ms. Scofield who were excused until they arrive.

MR. L. JOHNSON PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

AM1143
(Amendments to Standing Committee amendments, AM0555)

1. Insert the following new amendments:
"1. Insert the following new section:
'Sec. 17. Any fees collected pursuant to sections 4 and 8 of this act shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund.'.
2. On page 3, line 3, strike ', under the supervision of' and insert 'be monitored by'; and in

line 4 strike the comma and insert 'and'.

3. On page 4, line 9, strike 'under the supervision of' and insert 'monitored by'; and in line 18 strike 'under the supervision of' and insert 'to be monitored by'.

4. On page 5, line 11, strike 'supervision' and insert 'monitoring'.

6. On page 8, line 25, after the first comma insert 'state agencies,'.

8. Renumber remaining sections accordingly.'.".

2. Renumber remaining amendments accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 506 in the Journal. No objections. So ordered.

AM1098

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 12. That section 79-1565, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1565. (1) An individual who was prior to July 19, 1980, a state school official as defined in section 79-1501, and did not become a member of the State Employees Retirement System pursuant to Chapter 84, article 13, may, within sixty days after September 1, 1986, elect to become a member of such system. An individual so electing shall pay the contributions required by such system when the service and minimum age requirements have been met.

(2) An individual who is currently a school employee as defined in section 79-1501 or who was employed in an out-of-state or a Class V school district and who becomes employed by the State Department of Education after July 1, 1989, regardless of position, may file with the retirement board an election to become or remain a member of the School Retirement System, or, within thirty days after employment in the department, the individual may file an election to become a member of the State Employees Retirement System. The individual shall pay the contributions required by the system which he or she elects when all eligibility

requirements are met.

~~(2) Any~~ (3) If the employee elects to join the State Employees Retirement System, such employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service if the minimum age and length of service requirements under the State Employees Retirement System or the School Retirement System have been met and the requirements met are equal to the requirements of the State Employees Retirement System.

~~(3)~~ (4) A state school official employed by the State Department of Education after ~~July 19, 1980~~ July 1, 1989, ~~shall become a member of the State Employees Retirement System~~ may elect to become a member of the School Retirement System or the State Employees Retirement System.

~~(4)~~ (5) An employee electing not to be covered by the School Retirement System under this section shall not be subject to section 79-1529; but shall be allowed to retain his or her accumulated contribution in the system and continue to become vested in the state's accumulated contribution as well as the State Employees Retirement System according to the following:

(a) The years of participation in the School Retirement System before an election is made plus the years of participation in the State Employees Retirement System after the election is made shall both be credited toward compliance with the five-year service requirement provided under section 79-1522; and

(b) The years of participation in the School Retirement System before the election is made plus the years of participation in the State Employees Retirement System after the election is made shall both be credited toward compliance with section 84-1321.

Sec. 19. That section 84-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1301. ~~As used in~~ For purposes of the State Employees Retirement Act, unless the context otherwise requires:

(1) Employee shall mean any employee of the State Board of Agriculture who is a member of the state retirement plan on July 1, 1982, and any person or officer employed by the State of Nebraska whose

compensation is paid out of state funds or funds controlled or administered by a state department through any of its executive or administrative officers when acting exclusively in their respective official, executive, or administrative capacities. Employees ~~but~~ shall not include (a) judges as defined in section 24-701, (b) members of the Nebraska State Patrol, (c) employees of the University of Nebraska, (d) employees of the state colleges, (e) employees of technical community colleges, (f) employees of the Department of Labor employed prior to July 1, 1984, and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources, (g) the Commissioner of Labor employed prior to July 1, 1984, (h) employees of the State Board of Agriculture who are not members of the state retirement plan on July 1, 1982, (i) the Nebraska National Guard air and army technicians, or (j) persons eligible for membership under the School Retirement System of the State of Nebraska who have not elected to become members of the retirement system pursuant to ~~subsection (1) of~~ section 79-1565 or been made members of the system pursuant to ~~subsection (3) of~~ such section, ~~79-1565,~~ except that those persons so eligible and who as of September 2, 1973, are contributing to the State Employees Retirement System shall continue as members of such system. Any individual appointed by the Governor may elect not to become a member of such retirement system;

(2) Part-time employee shall mean an employee who works less than one-half of the regularly scheduled hours;

(3) Retirement shall mean qualifying for and terminating employment after becoming qualified to receive the retirement allowance granted under the State Employees Retirement Act;

(4) Retirement board or board shall mean the Public Employees Retirement Board;

(5) Retirement system shall mean the State Employees Retirement System of the State of Nebraska;

(6) Required contribution shall mean the deduction to be made from the salary of employees as provided in section 84-1308;

(7) Service shall mean the actual total length of employment as an employee and shall include leave of

absence because of disability or military service when properly authorized by the retirement board, but shall not include any period of disability for which disability retirement benefits are received under the provisions of section 84-1317;

(8) Straight life annuity shall mean an ordinary annuity payable for the life of the primary annuitant only and terminating at his or her death without refund or death benefit of any kind;

(9) Prior service shall mean service before January 1, 1964;

(10) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the board in order to provide the benefits described in sections 84-1319, 84-1320, 84-1321, and 84-1323 to 84-1323.02;

(11) Primary carrier shall mean the life insurance company or trust company designated as the administrator of the group annuity contract;

(12) State department shall mean any department, bureau, commission, or other division of state government, not otherwise specifically defined or exempted in the State Employees Retirement Act, ~~whose~~ the employees and officers of which are not already covered by a retirement plan;

(13) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration;

(14) Date of disability shall mean the date on which a member is determined to be disabled by the board;

(15) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(16) Fund shall mean the State Employees Retirement Fund created by section 84-1309;

(17) Guaranteed investment contract shall mean an investment contract which guarantees that the account maintained for any participant will not decrease in value, but will increase each year by the contribution

allocated to the account and by investment earnings and will decrease by the amount of expenses reasonably determined to be allocated to the account; and

(18) Investment manager shall mean one or more insurance companies, bank trust departments, or independent investment advisors designated to invest any portion of the fund.

Sec. 22. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 46, line 20, after the first comma insert "79-1565,"; and in line 21 after the first comma insert "84-1301,".

3. Renumber the remaining sections accordingly.

4. On page 1, line 2, after the second comma insert "79-1565,"; in line 3 after the third comma insert "84-1301,"; and in line 12 after the first semicolon insert "to authorize certain individuals to elect retirement system membership as prescribed;".

5. On page 2, line 2, strike "and"; and in line 3 after "sections" insert "; and to declare an emergency.".

Mr. Withem asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

AM0975

1. On page 6, line 3, strike "who is an experienced educational" and insert "or"; in line 4 after "(d)" insert "(i)" and in line 7 after "services" insert ", or (ii) at which education is offered by a franchisee of a franchisor authorized to operate as a private postsecondary career school pursuant to the act if the franchisor establishes the course curriculum and guidelines for teaching at the franchisee's facility".

2. On page 9, after line 18 insert the following new subdivision:

"(15) Principal facility or main school shall mean a private postsecondary career school located in the State of Nebraska;"; and in line 19 strike "(15)" and insert "(16)".

3. On page 10, line 5, strike "(16)" and insert "(17)"; and in line 8 strike "(17)" and insert

17 "(18)".

Mr. Withem asked unanimous consent to print the following amendment to LB 486 in the Journal. No objections. So ordered.

AM0974
1 1. On page 3, line 1, after "and" insert
2 "county treasurers of the".

PRESIDENT NICHOL PRESIDING

ATTORNEY GENERAL'S OPINION

Opinion No. 89028

DATE: April 4, 1989

SUBJECT: Constitutionality of LB 397; Does requiring a collegiate athletic association to observe due process in its disciplinary proceedings violate the Constitution of the State of Nebraska?

REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature

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

LB 397 would require that "{e}very stage and facet of all proceedings of a collegiate athletic association, college or university that may result in the imposition of a penalty for violation of such association's rule or legislation shall comply with due process of law as guaranteed by the Constitution of Nebraska and the laws of Nebraska." The bill also creates a cause of action for colleges or universities and individuals who are penalized by a collegiate athletic association without appropriate due process. You have requested our opinion as to whether LB 397 violates the Constitution of Nebraska. We believe that the bill is constitutionally permissible with the possible exception of certain portions of Section 6 dealing with the damages which may be awarded as a result of penalties imposed in violation of the act. Our analysis is set forth below.

As we have noted on previous occasions, a general question on the constitutionality of a legislative bill will necessarily result in a general response from this office. See, Opinion of the Attorney General,

#85157, December 20, 1985. If we are to address specific questions or potential problems with a bill, they must be set out in the opinion request. You have simply asked whether LB 397 violates our state constitution in any sense. We must, therefore, provide a general response to your question in the absence of any description of your specific concerns.

LB 397 would obviously create special obligations for collegiate athletic associations different from those obligations faced by other private associations or corporations. Consequently, it seems to us that a question might be raised as to whether such disparate treatment could constitute a violation of the equal protection guarantee found in Article I, Section 1 of our state constitution. Since LB 397 involves economic or social legislation and disparate treatment which does not reach a fundamental right or suspect class, its constitutionality would be resolved by determining whether a rational relationship exists between a legitimate state interest and the statutory means selected by the Legislature to accomplish that end. School District No. 46 Sarpy County Nebraska v. City of Bellevue, 224 Neb. 543, 400 N.W.2d 229 (1987); State v. Michalski, 221 Neb. 380, 377 N.W.2d 510 (1985). Moreover, the power of classification rests with the Legislature, and our courts will not interfere with that power if real and substantial differences exist which afford a rational basis for the classification. State v. Michalski, supra. Section 1 of LB 397 contains a statement of the legislative intent underlying the bill. Considering that legislative intent, we cannot say that there is no rational relationship between the state's interest in affording due process of law within the disciplinary proceedings of a collegiate athletic association and the necessary classification effected by the bill. Therefore, we do not believe that LB 397 involves an impermissible violation of Article I, Section 1 of our state constitution.

The different requirements placed upon collegiate athletic associations under LB 397 also raise a question as to whether LB 397 constitutes special legislation in contravention of Article III, Section 18 of our state constitution. The analysis under this section of our state constitution is quite similar to the analysis outlined above under Article I, Section 1. The question again is whether LB 397 involves a permissible separate classification of collegiate athletic associations.

In connection with Article III, Section 18 of our state constitution, our supreme court has indicated that it is competent for the Legislature to classify objects of legislation, and if the classification is reasonable and not arbitrary, such a classification is a legitimate exercise of the legislative power. State ex rel. Douglas V. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). Such a classification must rest upon real differences in situation and circumstances surrounding

members of the class relative to the legislation which renders its enactment appropriate. Id. The power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate the provisions of our state constitution which prohibit local and special laws. Id.

As was the case with our concerns involving equal protection, we cannot say that the special classification for collegiate athletic associations created by LB 397 would be unreasonable, arbitrary or a questionable exercise of the legislative power. To the contrary, it appears possible to argue that the classification is based upon substantial differences of situation or circumstances, and is entirely reasonable. As a result, we do not believe that LB 397 is special legislation in violation of Article III, Section 18 of our state constitution.

We do have some concern with Section 6 of LB 397. That section provides that a collegiate athletic association which violates the due process provisions of the act shall be liable to an aggrieved college or university for an amount equal to one hundred and fifty percent of the monetary loss per year during the period that any monetary loss occurs due to a penalty imposed in violation of the bill. It appears to us that Section 6 of LB 397 would thus authorize punitive damages to the extent that a collegiate athletic association which violates the act would be liable for more than one hundred percent of the actual loss growing out of a penalty imposed without due process. Where a statute imposes liability for actual damages and also imposes additional liability for the same act, such additional liability is a fine or penalty. Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960). Under Article VII, Section 5 of our Nebraska Constitution, all fines, penalties and license money arising under the general laws of the state must be appropriated exclusively to the use and support of the common schools. Since Section 6 of LB 397 would allow a plaintiff college or university to collect damages in excess of its actual damages suffered as result of a denial of due process, it appears to us that Section 6 would violate Article VII, Section 5 of our state constitution.

Therefore, it is our opinion that LB 397 generally is constitutional under our state constitution. However, we do believe that there is a potential constitutional problem with the penalty provisions set out in Section 6 of LB 397.

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

Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
5-70-13

REPORTS

Received audit reports from the Auditor of Public Accounts for the following agencies: Nebraska Department on Aging, Department of Administrative Services - Letters-of-Credit, Department of Economic Development, Office of Risk Management/State Claims Board, Nebraska Game and Parks Commission, Nebraska Commission on the Status of Women, Department of Administrative Services, Legislative Council, Nebraska Liquor Control Commission, Nebraska Real Estate Commission, University of Nebraska, Wayne State College A-110, and Department of Aeronautics.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-506, Revised Statutes Supplement, 1988; to define terms; to provide for notifications and testing related to infectious diseases and conditions; to require confidentiality of information as prescribed; to provide powers and duties; to limit liability; to provide a penalty; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chizek	Hannibal	Lynch	Schmit
Ashford	Conway	Hartnett	Morrissey	Smith
Baack	Coordsen	Hefner	Nelson	Warner
Barrett	Elmer	Johnson, L.	Pirsch	Wehrbein
Beck	Goodrich	Johnson, R.	Robak	Weihing
Beyer	Haberman	Korshoj	Schellpeper	Wesely
Byars	Hall	Langford	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 13:

Bernard-Stevens	Crosby	Labedz	McFarland	Rogers
Chambers	Dierks	Lamb	Moore	Scofield
	Kristensen	Lindsay	Peterson	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 46. With Emergency.

A BILL FOR AN ACT relating to the school retirement system; to authorize persons employed as county school officials prior to July 10, 1976, to receive credit for certain years of service; to provide a duty for the Revisor of Statutes; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hannibal	Lynch	Schmit
Ashford	Conway	Hartnett	Morrissey	Smith
Baack	Coordsen	Hefner	Nelson	Warner
Barrett	Elmer	Johnson, L.	Pirsch	Wehrbein
Beck	Goodrich	Johnson, R.	Robak	Weihing
Beyer	Haberman	Korshoj	Schellpeper	Wesely
Byars	Hall	Langford	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 13:

Bernard-Stevens	Crosby	Labedz	McFarland	Rogers
Chambers	Dierks	Lamb	Moore	Scofield
	Kristensen	Lindsay	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 145.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3501, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contributions to pension plans 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, 33:

Abboud	Chizek	Hannibal	Lynch	Schmit
Ashford	Conway	Hartnett	Nelson	Smith
Baack	Coordsen	Hefner	Pirsch	Wehrbein
Barrett	Elmer	Johnson, L.	Robak	Weihing
Beck	Goodrich	Johnson, R.	Schellpeper	Wesely
Beyer	Haberman	Korshoj	Schimek	Withem
Byars	Hall	Langford		

Voting in the negative, 0.

Present and not voting, 3:

Landis	Morrissey	Warner

Excused and not voting, 13:

Bernard-Stevens	Crosby	Labedz	McFarland	Rogers
Chambers	Dierks	Lamb	Moore	Scofield
	Kristensen	Lindsay	Peterson	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 231.

A BILL FOR AN ACT relating to adoption of children; to amend sections 43-107 and 43-109, Reissue Revised Statutes of Nebraska, 1943; to change medical history requirements in adoption proceedings; 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	Conway	Hartnett	Morrissey	Scofield
Ashford	Coordsen	Hefner	Nelson	Smith
Baack	Elmer	Johnson, L.	Pirsch	Warner
Barrett	Goodrich	Johnson, R.	Robak	Wehrbein
Beck	Haberman	Korshoj	Schellpeper	Weihing
Beyer	Hall	Langford	Schimek	Wesely
Byars	Hannibal	Lynch	Schmit	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 12:

Bernard-Stevens	Crosby	Labedz	McFarland	Peterson
Chambers	Dierks	Lamb	Moore	Rogers
	Kristensen	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 231A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 231, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hannibal	Morrissey	Scofield
Ashford	Conway	Hartnett	Nelson	Smith
Baack	Coordsen	Hefner	Pirsch	Warner
Barrett	Elmer	Johnson, L.	Robak	Wehrbein
Beck	Goodrich	Johnson, R.	Schellpeper	Weihing
Beyer	Haberman	Korshoj	Schimek	Wesely
Byars	Hall	Lynch	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 2:

Landis Langford

Excused and not voting, 12:

Bernard-Stevens	Crosby	Labedz	McFarland	Peterson
	Dierks	Lamb	Moore	Rogers
Chambers	Kristensen	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 237. With Emergency.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1044.01, 79-1046, 79-1051, 79-1051.06, 79-1056, and 79-1056.06, Reissue Revised Statutes of Nebraska, 1943, and section 79-1032, Revised Statutes Supplement, 1988; to increase retirement benefits as prescribed; to provide additional options for annuities; to authorize investments as prescribed; to increase employee contributions; to provide a cost-of-living adjustment; to eliminate provisions relating to authorized investments; to harmonize provisions; to repeal the original sections, and also sections 79-1051.03 and 79-1051.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Conway	Hartnett	Morrissey	Schmit
Ashford	Coordsen	Hefner	Nelson	Scofield
Baack	Elmer	Johnson, L.	Peterson	Smith
Barrett	Goodrich	Johnson, R.	Pirsch	Warner
Beck	Haberman	Korshoj	Robak	Wehrbein
Beyer	Hall	Langford	Schellpeper	Weihing
Byars	Hannibal	Lynch	Schimek	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 2:

Landis	Wesely

Excused and not voting, 11:

Bernard-Stevens	Crosby	Labedz	Lindsay	Moore
Chambers	Dierks	Lamb	McFarland	Rogers
	Kristensen			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 379.

A BILL FOR AN ACT relating to school funds; to amend section 79-1308.01, Reissue Revised Statutes of Nebraska, 1943; to authorize investment through repurchase agreements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Beck	Conway	Haberman	Hefner
Ashford	Beyer	Coordsen	Hall	Johnson, L.
Baack	Byars	Elmer	Hannibal	Johnson, R.
Barrett	Chizek	Goodrich	Hartnett	Korshoj

Langford	Peterson	Schellpeper	Smith	Weihing
Morrissey	Pirsch	Schimek	Warner	Wesely
Nelson	Robak	Scofield	Wehrbein	Withem

Voting in the negative, 0.

Present and not voting, 3:

Landis	Lynch	Schmit

Excused and not voting, 11:

Bernard-Stevens	Crosby	Labedz	Lindsay	Moore
Chambers	Dierks	Lamb	McFarland	Rogers
	Kristensen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 418.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change the length of the terms of members; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hartnett	Nelson	Scofield
Baack	Dierks	Hefner	Peterson	Smith
Barrett	Elmer	Johnson, L.	Pirsch	Warner
Beck	Goodrich	Johnson, R.	Robak	Wehrbein
Beyer	Haberman	Korshoj	Schellpeper	Weihing
Byars	Hall	Lynch	Schimek	Wesely
Chizek	Hannibal	Morrissey	Schmit	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 3:

Ashford Landis Langford

Excused and not voting, 10:

Bernard-Stevens Crosby Labedz Lindsay Moore
Chambers Kristensen Lamb McFarland Rogers

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: 157, 46, 145, 231, 231A, 237, 379, and 418.

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to examine the effects of granting school employees membership service credit for years of military service. The study shall examine:

1. The immediate and future costs to the state, the school districts, the Omaha School Retirement System, and the State School Retirement System and options to fund those costs;
2. The number of individuals who would qualify for this benefit and their years of service in the military;
3. The number of years of membership service credit which will be granted for military service; and
4. School employees buying back their service credit and determining the salary compensation levels for years served in the military.

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

1. That the Nebraska Retirement Systems 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. Haberman asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM1137

1. On page 7, after line 11, insert the following new paragraph:

"The department shall provide training opportunities throughout the state and shall hold at least one pre-service orientation and inservice training program each year in each legislative district.".

2. On page 10, line 5, after "members" insert ", at least five of whom shall be residents of the third congressional district.".

3. On page 15, line 11, after the period insert "At least one public hearing shall be held in the third congressional district.".

4. In the Standing Committee amendments, AM0570, on page 2, line 7, after the underscored period insert "Meetings shall be scheduled on a rotating basis so that a meeting is held in each congressional district.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 651A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 651, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 361. E & R amendments, AM5068, printed separately from the Journal and referred to on page 882 for the Thirty-Fifth Day, were adopted.

Mr. Landis withdrew his pending amendment, AM0931, found in the Journal on page 1180.

Mr. Landis offered the following amendment:
AM1208

1. Insert the following new sections:

"Section 1. (1) The Legislature finds and declares that the current system of valuing real property for purposes of taxation has caused inequities between residential, commercial, industrial, and agricultural property owners.

(2) The Legislature further finds and declares that rental earnings or income potential on real property may provide an accurate reflection of actual value and may reflect in a timely manner changes in value.

Sec. 2. The Tax Commissioner shall research, develop, and submit to the Legislature a proposal to create and implement a system of property tax valuation based solely on rental earnings or income potential which utilizes accepted methods of assessment and valuation. The proposal shall be completed and submitted to the Clerk of the Legislature by November 30, 1989.".

2. In the E & R amendment, AM5068:

a. On page 1, line 10, strike "2" and insert "4";

b. On page 9, line 12, strike "2" and insert "4"; and

c. On page 10, line 19, strike "2" and insert "4".

3. In the Standing Committee amendments, AM0326:

(a) On page 1, line 11, strike "1990" and insert "1991"; and

(b) On page 2, line 16, strike "The", begin a new paragraph, and insert "For assessment years 1989 and 1990, the"; in line 17 strike "may" and insert "shall"; in line 18 strike "so determined" and after "to" insert "correlate and"; and in line 19 after "of" insert "all".

4. Renumber remaining sections accordingly.

Mr. Schmit offered the following amendment to the pending Landis amendment:
FA141
Pg 1, lines 8 and 15, strike the words "or income potential"

The Schmit amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The pending Landis amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Landis offered the following amendment:
AM1217
1. Insert the following new sections:
"Sec. 21. In making any percentage adjustment to the valuation of property pursuant to section 77-506, the State Board of Equalization and Assessment may make its adjustment so that the valuation of the property compares to the aggregate level of value of all taxable property in the state.
Sec. 22. 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 21, after line 16 insert:
"For purposes of equalization of the valuation of any protested real or personal property, the county board of equalization shall make its adjustment so that the valuation of the protested property compares to the aggregate level of value of all taxable property in the county.".
3. Renumber the remaining sections accordingly.

The Landis amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Landis renewed his pending amendment, AM0578, found in the Journal on page 884.

The Landis 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 361A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 640. Title read. Considered.

Standing Committee amendments, AM0497, found in the Journal on page 854 for the Thirty-Third Day, were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 73. 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the period of June 11 through June 18, 1989, be designated as the Nebraska Historical and Special Interest Automobile Recognition Week.

2. That a copy of this resolution be delivered to Paul L. High, 12559 "O" Street, Omaha, Nebraska, 68137 for appropriate distribution.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1989, at 2:45 p.m., were the following bills: 157, 46, 145, 231, 231A, 237, 379, and 418.

(Signed) Randy Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

FA142
1. Add new section 1: "This act shall be known and may be cited as the Nebraska Collegiate Athletic Association Procedures Act." Renumber accordingly.
2. Page 4, lines 13, 14, strike: "one hundred fifty percent of".

Mr. Hall asked unanimous consent to print the following amendments to LB 414 in the Journal. No objections. So ordered.

AM1220

1. Insert the following new section:

"Section 1. That section 48-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-624. ~~An~~ (1) Through December 31, 1990, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this ~~section~~ subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount

17	$ 400.01	through	$ 450.00	$ 20.00
18	450.01	through	500.00	22.00
19	500.01	through	550.00	24.00
20	550.01	through	600.00	26.00
21	600.01	through	650.00	28.00
1	650.01	through	700.00	30.00
2	700.01	through	750.00	32.00
3	750.01	through	800.00	34.00
4	800.01	through	850.00	36.00
5	850.01	through	900.00	38.00
6	900.01	through	950.00	40.00
7	950.01	through	1,000.00	42.00
8	1,000.01	through	1,050.00	44.00
9	1,050.01	through	1,100.00	46.00
10	1,100.01	through	1,150.00	48.00
11	1,150.01	through	1,200.00	50.00
12	1,200.01	through	1,250.00	52.00
13	1,250.01	through	1,300.00	54.00
14	1,300.01	through	1,350.00	56.00
15	1,350.01	through	1,400.00	58.00
16	1,400.01	through	1,450.00	60.00
17	1,450.01	through	1,500.00	62.00
18	1,500.01	through	1,550.00	64.00
19	1,550.01	through	1,600.00	66.00
20	1,600.01	through	1,650.00	68.00
21	1,650.01	through	1,700.00	70.00
22	1,700.01	through	1,750.00	72.00
23	1,750.01	through	1,800.00	74.00
24	1,800.01	through	1,850.00	76.00
1	1,850.01	through	1,900.00	78.00
2	1,900.01	through	1,950.00	80.00
3	1,950.01	through	2,000.00	82.00
4	2,000.01	through	2,050.00	84.00
5	2,050.01	through	2,100.00	86.00
6	2,100.01	through	2,150.00	88.00
7	2,150.01	through	2,200.00	90.00
8	2,200.01	through	2,250.00	92.00
9	2,250.01	through	2,300.00	94.00
10	2,300.01	through	2,350.00	96.00
11	2,350.01	through	2,400.00	98.00
12	2,400.01	through	2,450.00	100.00
13	2,450.01	through	2,500.00	102.00
14	2,500.01	through	2,550.00	104.00
15	2,550.01	through	2,600.00	106.00

2,600.01 through 2,650.00 ..... 108.00
2,650.01 through 2,700.00 ..... 110.00
2,700.01 through 2,750.00 ..... 112.00
2,750.01 through 2,800.00 ..... 114.00
2,800.01 through 2,850.00 ..... 116.00
2,850.01 through 2,900.00 ..... 118.00
2,900.01 through 2,950.00 ..... 120.00
2,950.01 through 3,000.00 ..... 122.00
3,000.01 through 3,050.00 ..... 124.00
3,050.01 through 3,100.00 ..... 126.00
3,100.01 through 3,150.00 ..... 128.00
3,150.01 through 3,200.00 ..... 130.00
3,200.01 through 3,250.00 ..... 132.00
~~3,250.01 and over ..... 134.00~~
3,250.01 through 3,300.00 ..... 134.00
3,300.01 through 3,350.00 ..... 136.00
3,350.01 through 3,400.00 ..... 138.00
3,400.01 through 3,450.00 ..... 140.00
3,450.01 and over 142.00

(2) On and after January 1, 1991, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 400.01 through $ 450.00	$ 20.00
450.01 through 500.00	22.00
500.01 through 550.00	24.00
550.01 through 600.00	26.00
600.01 through 650.00	28.00
650.01 through 700.00	30.00
700.01 through 750.00	32.00
750.01 through 800.00	34.00
800.01 through 850.00	36.00
850.01 through 900.00	38.00
900.01 through 950.00	40.00
950.01 through 1,000.00	42.00
1,000.01 through 1,050.00	44.00

12	1,050.01 through 1,100.00	46.00
13	1,100.01 through 1,150.00	48.00
14	1,150.01 through 1,200.00	50.00
15	1,200.01 through 1,250.00	52.00
16	1,250.01 through 1,300.00	54.00
17	1,300.01 through 1,350.00	56.00
18	1,350.01 through 1,400.00	58.00
19	1,400.01 through 1,450.00	60.00
20	1,450.01 through 1,500.00	62.00
21	1,500.01 through 1,550.00	64.00
22	1,550.01 through 1,600.00	66.00
23	1,600.01 through 1,650.00	68.00
24	1,650.01 through 1,700.00	70.00
1	1,700.01 through 1,750.00	72.00
2	1,750.01 through 1,800.00	74.00
3	1,800.01 through 1,850.00	76.00
4	1,850.01 through 1,900.00	78.00
5	1,900.01 through 1,950.00	80.00
6	1,950.01 through 2,000.00	82.00
7	2,000.01 through 2,050.00	84.00
8	2,050.01 through 2,100.00	86.00
9	2,100.01 through 2,150.00	88.00
10	2,150.01 through 2,200.00	90.00
11	2,200.01 through 2,250.00	92.00
12	2,250.01 through 2,300.00	94.00
13	2,300.01 through 2,350.00	96.00
14	2,350.01 through 2,400.00	98.00
15	2,400.01 through 2,450.00	100.00
16	2,450.01 through 2,500.00	102.00
17	2,500.01 through 2,550.00	104.00
18	2,550.01 through 2,600.00	106.00
19	2,600.01 through 2,650.00	108.00
20	2,650.01 through 2,700.00	110.00
21	2,700.01 through 2,750.00	112.00
22	2,750.01 through 2,800.00	114.00
23	2,800.01 through 2,850.00	116.00
24	2,850.01 through 2,900.00	118.00
1	2,900.01 through 2,950.00	120.00
2	2,950.01 through 3,000.00	122.00
3	3,000.01 through 3,050.00	124.00
4	3,050.01 through 3,100.00	126.00
5	3,100.01 through 3,150.00	128.00
6	3,150.01 through 3,200.00	130.00
7	3,200.01 through 3,250.00	132.00

3,250.01 through 3,300.00 ..... 134.00
3,300.01 through 3,350.00 ..... 136.00
3,350.01 through 3,400.00 ..... 138.00
3,400.01 through 3,450.00 ..... 140.00
3,450.01 through 3,500.00 ..... 142.00
3,500.01 through 3,550.00 ..... 144.00
3,550.01 through 3,600.00 ..... 146.00
3,600.01 through 3,650.00 ..... 148.00
3,650.01 and over ..... 150.00".

2. On page 3, line 15, strike "section" and insert "sections 48-624 and"; and in line 16 strike "is" and insert "are"

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendments to LB 247 in the Journal. No objections. So ordered.

AM1282

1. Strike original sections 2, 3, and 4 and insert the following new sections:

"Sec. 2. There is hereby created within the Legislative Council a committee to direct and oversee a study of public postsecondary education in Nebraska. The committee shall consist of five members, including (1) two members of the Legislature who shall be appointed by the Executive Board of the Legislative Council and who shall serve as co-chairpersons of the committee, (2) two members of the Nebraska Coordinating Commission for Postsecondary Education appointed to the commission pursuant to subdivision (2)(a) of section 85-902 who shall be appointed by such commission, and (3) one member who shall be appointed by the Governor. All members shall be appointed within fifteen days after the effective date of this act to serve for the duration of the committee. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The committee may establish and consult with a separate advisory body consisting of Nebraska experts in postsecondary education to assist it in directing the study and making recommendations thereon. The committee may also utilize the staff of the Education Committee of the Legislature and the Legislative Fiscal Analyst to assist it in carrying out its duties under this act.

The committee and any advisory body it may create shall cease to exist on January 15, 1991.

Sec. 3. The committee created in section 2 of this act shall select and the Legislative Council shall contract with an individual, entity, or organization not based in Nebraska to conduct a study of public postsecondary education in Nebraska as provided in section 4 of this act. The committee shall attempt to complete the selection of the contractor within forty-five days after the effective date of this act. The study shall be completed in two phases, and the Nebraska Coordinating Commission for Postsecondary Education shall assist the committee in the search for and selection of the contractor.

Sec. 4. (1) The study conducted pursuant to this act shall address changes necessary or appropriate to promote quality postsecondary education and access to postsecondary education in the most efficient and effective manner feasible given the demographic, geographic, economic, and social context of postsecondary education in Nebraska.

(2) Phase I of the study shall address and make recommendations on governance and structure issues and those issues for which a constitutional amendment may be needed to authorize or facilitate the implementation of any recommendation, including, but not limited to:

(a) The proposed transfer of Kearney State College to the University of Nebraska, including any needed realignment of the remaining state colleges and any needed revisions in the role and mission of the university and the state colleges impacted by such transfer.

(b) Other changes, if any, needed in the alignment of public postsecondary educational institutions under the current governance structure or any recommended modifications to the governance structure, including the alignment and governance of the other state colleges if Kearney State College becomes part of the University of Nebraska;

(c) Changes, if any, needed in the governance structure of public postsecondary educational institutions;

(d) Discussion of the potential financial

impact of any recommended changes and detailed cost estimates of the short-term financial impacts;

(e) Specific recommendations for constitutional changes, if any, necessary to authorize or implement any recommendations made pursuant to this section and a list of priorities of recommendations and alternative recommendations; and

(f) Initiation of the strategic planning process to be completed in Phase II of the study.

After the submission of the report compiled by the contractor hired pursuant to section 3 of this act to the committee created in section 2 of this act, the committee shall review the report and forward it to the Legislature, the Governor, and all public postsecondary educational institutions in the state by December 15, 1989, along with any additional or different recommendations the committee may have.

(3) Phase II of the study shall address and make recommendations on any statutory or other changes needed to best implement or facilitate any legislative or electorate decisions made in 1990 in response to Phase I of the study, including:

(a) A specific review of the role and mission statutes for each postsecondary educational institution, with particular attention to the appropriate role of Kearney State College or its successor institution in the context of the assignment of graduate program responsibilities for all postsecondary education in the state;

(b) Coordination of programs and facilities among the institutions and sectors of postsecondary education, with particular attention to telecommunication and economic development programs and the appropriate role of the Nebraska Coordinating Commission for Postsecondary Education;

(c) Cost estimates of the financial impact of any recommended changes; and

(d) A strategic plan for the future of public postsecondary education in the state and the identification of an ongoing process for the development and implementation of such a plan.

After the submission of the report compiled by the contractor to the committee, the committee shall review the report and forward it to the Legislature, the

Governor, and all public postsecondary educational institutions in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 5. Expenditures for expenses in support of the activities of the committee created in section 2 of this act, including employment of the contractor pursuant to section 3 of this act, shall be appropriated to the Legislative Council and accounted for by a separate subprogram within an appropriate program within the agency. The Legislature shall appropriate from the General Fund for fiscal years 1988-89, 1989-90, and 1990-91 a minimum of two hundred fifty thousand dollars for such purpose.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to the Nebraska Coordinating Commission for Postsecondary Education and accounted for by a separate subprogram separate from the agency's operating expenses.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 9, strike "comprehensive".

UNANIMOUS CONSENT - Add Co-Introducer

Ms. Schimek asked unanimous consent to have her name added as co-introducer to LB 325. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 651. Title read. Considered.

Standing Committee amendment, AM0654, found in the Journal on page 935 for the Thirty-Seventh Day, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Schmit and Morrissey 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 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Moore, and Chizek asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendment, AM0779)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1213.)

Mr. Landis asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

AM1216
(Amendments to Standing Committee amendments, AM0370)

1. On page 2, line 6, after "19-4609" insert ", or the costs and benefits approved by a city of the primary class in the contract may be included in the calculation of just and reasonable rates provided in section 19-4612"; and in line 13 after "section" insert ", except that nothing in this section shall give such city the right to unilaterally change an approved contract".

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendment, AM0456, found in the Journal on page 993 for the Fortieth Day, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 653. Title read. Considered.

Standing Committee amendments, AM0734, found in the Journal on page 1016 for the Forty-First Day, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 653A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson asked unanimous consent to bracket LB 161 until January 1, 1990. No objections. So ordered.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 630. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 611 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments, AM0783)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1222.)

VISITORS

Visitors to the Chamber were eight students and sponsors from Jefferson, Saline, and Gage counties; 21 fourth grade students and teacher from Pawnee City; 15 students and sponsor from York High

School; and 20 third and fourth grade students and teacher from Cheney.

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 6, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Paul Lundell, Dundee Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Bernard-Stevens and Mrs. Crosby who were excused; and Messrs. Baack, Byars, Chambers, Conway, Goodrich, Hartnett, R. Johnson, Lindsay, McFarland, Rogers, Schmit, Warner, Mmes. Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 99. Placed on Select File as amended.
E & R amendments to LB 99:
AM7037
1. On page 4, line 24, strike "an executor", show as stricken, and insert "a personal

representative".

2. On page 7, line 4, reinstate the stricken matter.

3. On page 8, line 14, after "partnership" insert an underscored comma.

4. On page 9, line 13, strike "executor", show as stricken, and insert "personal representative,".

5. On page 11, line 12, after "implied" insert an underscored comma; and in line 17 after "he" insert "or she".

6. On page 13, line 18, after "forgery" insert an underscored comma.

7. On page 24, line 23, after "participations" insert an underscored comma.

8. On page 26, line 11, after "order" insert an underscored comma.

9. On page 44, line 5, before "and" insert an underscored comma.

10. On page 47, line 25, strike "executor", show as stricken, and insert "personal representative".

11. On page 54, line 1, strike the first "only".

12. On page 75, line 11, after "copartnership" insert an underscored comma.

13. On page 78, line 22, strike "and".

14. On page 82, line 3, after "destroyed" insert an underscored comma; and in line 20 after "owner" insert an underscored colon.

15. On page 100, line 8, before "or" insert an underscored comma.

16. On page 101, line 11, after "gas" insert an underscored comma.

17. On page 103, line 19, strike "8-432", show as stricken, and insert "8-417.01".

18. On page 104, line 3, after "rights" insert an underscored colon.

19. On page 106, line 4, after "to" insert an underscored colon; in line 10 strike "or" and show as stricken; and in line 12 after the first comma insert "Reissue" and strike "Supplement, 1978", show as stricken, and insert "of Nebraska, 1943".

20. On page 108, line 22, after "therefor" insert an underscored colon.

21. On page 109, line 4, strike "interest",

show as stricken, and insert "interests".

22. On page 111, line 5, after "documents" insert an underscored comma; in line 22 after "if" insert an underscored colon; and in line 25 strike "and" and show as stricken.

23. On page 112, line 9, strike "and" and show as stricken.

24. On page 113, line 19, after the comma insert "by".

LEGISLATIVE BILL 323. Placed on Select File as amended.
E & R amendments to LB 323:
AM7023

1. For purposes of correlation with section 4, LB 344:

a. On page 1, line 4; and page 5, line 11, after "1988" insert ", as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989"; and

b. On page 2, line 20, after the second comma insert "as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989,"; and in line 23, strike "and" and insert an underscored comma and after "act" insert ", and section 5 of this act".

2. On page 1, strike beginning with "to" in line 7 through the semicolon in line 8.

3. On page 2, line 15, after "or" insert "unless he or she".

LEGISLATIVE BILL 143. Placed on Select File.

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:
AM7028

1. On page 1, line 6, after "decisions" insert "as prescribed".

2. On page 5, line 10, after "agency" insert an underscored comma.

LEGISLATIVE BILL 381. Placed on Select File.
LEGISLATIVE BILL 423. Placed on Select File.

LEGISLATIVE BILL 509. Placed on Select File as amended.
E & R amendments to LB 509:

AM7022

1. On page 1, line 3, strike "for membership of" and insert "relating to membership on".

2. On page 3, line 4, after "a" insert "railroad"; in lines 12 and 18 reinstate the stricken comma; and in line 20 strike the second comma and show as stricken.

LEGISLATIVE BILL 793. Placed on Select File as amended.
E & R amendments to LB 793:
AM7027

1. On page 3, line 10, strike "such" and show as stricken and strike "as", show as stricken, and insert "adopted and promulgated by"; and in line 11 strike "may", show as stricken, and insert an underscored comma, strike the new matter, and strike the comma and show as stricken.

2. On page 23, line 15, strike "purchaser's", show as stricken, and insert "purchaser".

LEGISLATIVE BILL 605. Placed on Select File.
LEGISLATIVE BILL 135. Placed on Select File.
LEGISLATIVE BILL 324. Placed on Select File.
LEGISLATIVE BILL 756. Placed on Select File.

LEGISLATIVE BILL 206. Placed on Select File as amended.
E & R amendment to LB 206:
AM7024

1. On page 1, line 3, after the semicolon insert "to provide for the fixing of certain fees;"; and in line 4 strike "certain" and insert "such".

LEGISLATIVE BILL 669. Placed on Select File.

LEGISLATIVE BILL 486. Placed on Select File as amended.
E & R amendments to LB 486:
AM7031

1. On page 3, line 1, after "and" insert "county treasurers of the"; in line 3 strike "real estate" and insert "land"; in line 16 after the first "the" insert "school"; and in line 24 after "the" insert "school".

2. On page 4, line 3, after the first "the" insert "school"; in line 14 after "each" insert

"school"; and in line 24 strike "real estate", show as stricken, and insert "land".

3. On page 6, line 15, strike the comma and show as stricken; and in line 20 after "the" insert "school".

4. On page 7, lines 2, 9, 10, 12, and 25, before "district" insert "school"; and in line 18 after the second "the" insert "school".

5. On page 8, lines 1 and 12, before "district" insert "school"; in lines 9, 19, and 22 strike "real estate", show as stricken, and insert "land".

LEGISLATIVE BILL 487. Placed on Select File as amended.
E & R amendments to LB 487:
AM7030

1. On page 1, line 2, after the third comma insert "79-486,".

2. On page 5, line 9, strike "(c)", show as stricken, and insert "(i)"; and in line 11 strike "(d)", show as stricken, and insert "(ii)".

3. On page 6, line 11, after "superintendent" insert an underscored comma; in line 12 after "office" insert an underscored comma; and in line 15 after "Education" and after "offices" insert an underscored comma.

4. On page 8, lines 4 and 18, after "neighboring" insert "public school".

5. On page 10, line 15, after "district" insert "(a)"; in line 16 strike "any district" and insert "(b)"; and in line 19 strike "any district" and insert "(c)".

6. On page 11, line 2, strike "where", show as stricken, and insert "when".

7. On page 19, line 16, after "state" insert an underscored comma.

8. On page 29, line 2, after the second comma insert "79-486,", after "79-1333," insert "and", and strike "and"; and in line 3 strike "79-3301,".

LEGISLATIVE BILL 487A. Placed on Select File.

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendments to LB 488:

AM7033

1. On page 5, line 14, after "nontransferable" insert an underscored comma.

2. On page 11, line 9, strike the comma and show as stricken.

3. On page 16, line 1, after "not" insert "be".

4. On page 30, line 17, after "recommendations" insert an underscored comma; and in line 18 after "law" insert an underscored comma.

5. On page 32, line 8, strike "institutions", show as stricken, and insert "schools"; and in line 9 strike the comma and show as stricken.

6. On page 34, line 24, strike "criteria", show as stricken, and insert "standards".

7. On page 35, line 15, strike beginning with "requirements" through the second "the" and show as stricken; in line 16 strike "section", show as stricken, and insert "sections"; and in line 17 after "79-2806" insert "and 79-2808".

8. On page 37, line 25, after "following" insert "a".

9. On page 38, line 3; and page 39, line 15, strike the comma and show as stricken.

10. On page 47, line 6, strike "aids" and insert "aid".

11. On page 49, line 7, reinstate the stricken "to operate".

12. On page 52, line 8, strike the second comma and show as stricken; in line 10 after "to" insert "a resident of this state"; in line 12 strike "a resident of this state" and show as stricken; in line 15 strike the first comma and show as stricken and after "person" insert an underscored comma; and in line 16 strike the comma and show as stricken.

13. On page 54, line 3, strike "it has", show as stricken, and insert "there is".

LEGISLATIVE BILL 488A. Placed on Select File.
LEGISLATIVE BILL 228. Placed on Select File.
LEGISLATIVE BILL 228A. Placed on Select File.
LEGISLATIVE BILL 627. Placed on Select File.

LEGISLATIVE BILL 508. Placed on Select File as amended.

E & R amendments to LB 508:
AM7029

1. On page 2, line 3, strike "this act" and insert "State-Tribal Cooperative Agreements Act".
2. On page 4, line 14, strike "that" and insert "the governing body of which".
3. On page 5, line 10, strike "is" and insert "are".
4. On page 6, line 7, strike "tribe" and insert "tribal government"; and in line 8 strike the second "the" and insert "this".

LEGISLATIVE BILL 722. Placed on Select File as amended.
E & R amendment to LB 722:
AM7032

1. On page 1, line 6, after the semicolon insert "to provide a civil penalty;".

LEGISLATIVE BILL 566. Placed on Select File as amended.
E & R amendment to LB 566:
AM7034

1. On page 23, line 12, strike "purchaser's", show as stricken, and insert "purchaser".

Correctly Engrossed

The following bills were correctly engrossed: 77, 371, 592, 643, 714, and 781.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 371

The following changes, required to be reported for publication in the Journal, have been made:
ER6150

1. On page 1, the material beginning with "to" in line 7 through the semicolon in line 8 has been struck.
2. On page 4, line 19, "respective" has been struck.
3. On page 19, line 11, "a" has been inserted after "to".

Enrollment and Review Change to LB 592

The following changes, required to be reported for publication in the Journal, have been made:
ER6151

1. On page 1, line 7, the first comma has been struck and "and" inserted and ", and" has been struck; and in line 8 "marijuana" has been struck.

Enrollment and Review Changes to LB 781

The following changes, required to be reported for publication in the Journal, have been made:
ER6149

1. In the Smith amendment, AM0986:

a. On page 4, line 21; page 5, line 8; page 6, line 4; page 7, line 1; page 31, line 8; and page 33, line 1, "liquors" has been struck, shown as stricken, and "liquor" inserted;

b. On page 6, line 7, "liquors are" has been struck, shown as stricken, and "liquor is" inserted; and

c. On page 38, line 5, "liquors" has been struck and "liquor" inserted.

2. On page 1, line 2, "53-117," has been inserted after the last comma; in line 8 "standards" has been struck; and in line 9 "of consideration" has been struck and "designated criteria" inserted.

3. On page 2, line 4, "53-101.03," has been inserted after "sections"; and in line 5 "and" has been struck and a comma inserted and "and 53-134.01," has been inserted after the comma.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Kristensen, and Mrs. Langford asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1114.)

RESOLUTION

LEGISLATIVE RESOLUTION 70. Read. Considered.

LR 70 was adopted with 21 ayes, 1 nay, and 27 not voting.

LEGISLATIVE RESOLUTION 73. Read. Considered.

LR 73 was adopted with 20 ayes, 0 nays, and 29 not voting.

MOTION - Return LB 506 to Select File

Mr. Withem moved to return LB 506 to Select File for his specific amendment, AM1098, found in the Journal on page 1502.

The Withem motion to return prevailed with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 506. The Withem specific amendment, AM1098, found in the Journal on page 1502, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 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 410.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-140 and 48-141, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to modification of agreements or awards; and to repeal the original sections.

Whereupon the 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	Haberman	Korshoj	Moore
Ashford	Conway	Hall	Kristensen	Morrissey
Baack	Coordsen	Hannibal	Lamb	Nelson
Barrett	Dierks	Hefner	Landis	Peterson
Beck	Elmer	Johnson, L.	Langford	Robak
Beyer	Goodrich	Johnson, R.	Lynch	Rogers

Schellpeper	Smith	Wehrbein	Wesely	Withem
Scofield	Warner	Weihing		

Voting in the negative, 0.

Excused and not voting, 11:

Bernard-Stevens	Chambers	Labedz	McFarland	Schimek
Byars	Crosby	Lindsay	Pirsch	Schmit
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 414 to Select File

Mr. Hall moved to return LB 414 to Select File for his specific amendment, AM1220, found in the Journal on page 1522.

Mr. Coordsen requested a ruling of the Chair on whether the Hall amendment is germane to the bill.

The Chair ruled the Hall amendment is not germane to the bill.

MOTION - Suspend Rules

Mr. Hall moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Hall amendment, AM1220, to LB 414.

Messrs. Dierks and Wehrbein 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, 1 nay, and 22 not voting.

Mr. Hall requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 20:

Ashford	Hall	Lindsay	Robak	Smith
Baack	Johnson, R.	Lynch	Schellpeper	Weihing
Chizek	Kristensen	Morrissey	Schimek	Wesely
Conway	Landis	Nelson	Schmit	Withem

Voting in the negative, 15:

Barrett	Elmer	Hefner	Langford	Rogers
Beyer	Goodrich	Johnson, L.	Moore	Scofield
Coordsen	Hannibal	Lamb	Peterson	Warner

Present and not voting, 4:

Abboud	Beck	Haberman	Korshoj

Excused and not voting, 10:

Bernard-Stevens	Chambers	Dierks	Labedz	Pirsch
Byars	Crosby	Hartnett	McFarland	Wehrbein

The Hall motion to suspend the rules lost with 20 ayes, 15 nays, 4 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 414.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-656, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty on employers who fail to file reports and schedules 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	Hefner	Langford	Robak
Ashford	Coordsen	Johnson, L.	Lindsay	Rogers
Baack	Elmer	Johnson, R.	Lynch	Schellpeper
Barrett	Goodrich	Korshoj	Moore	Schimek
Beck	Haberman	Kristensen	Morrissey	Schmit
Beyer	Hall	Lamb	Nelson	Scofield
Chizek	Hannibal	Landis	Peterson	Smith

Warner	Weihing	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 9:

Bernard-Stevens	Byars	Chambers	Crosby	Dierks
Hartnett	Labedz	McFarland	Wehrbein	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 587. With Emergency.

A BILL FOR AN ACT relating to the Ethanol Authority and Development Act; to amend sections 66-1303, 66-1304, 66-1306, and 66-1315, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1301, 66-1302, 66-1307, 66-1307.01, 66-1307.02, 66-1317, 66-1321, 66-1322, and 66-1323, Revised Statutes Supplement, 1988; to restate intent; to define and redefine terms; to change provisions relating to membership on the Ethanol Authority and Development Board and to provide for appointment of members as prescribed; to change provisions relating to the use and receipt of funds; to change a provision relating to grants and loans; to provide for the treatment of certain information contained in applications; 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, 39:

Abboud	Chizek	Hall	Kristensen	Moore
Ashford	Conway	Hannibal	Lamb	Morrissey
Baack	Coordsen	Hefner	Landis	Nelson
Barrett	Elmer	Johnson, L.	Langford	Peterson
Beck	Goodrich	Johnson, R.	Lindsay	Robak
Beyer	Haberman	Korshoj	Lynch	Rogers

Schellpeper	Schmit	Smith	Weihing	Withem
Schimek	Scofield	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 9:

Bernard-Stevens	Byars	Crosby	Hartnett	McFarland
	Chambers	Dierks	Labedz	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 733. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2041.03 and 71-2041.04, Revised Statutes Supplement, 1988, section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, and Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180; and to provide for an additional nursing home administrator license as prescribed; to provide requirements for education and training; to provide exceptions; to harmonize provisions; to change an operative date for provisions relating to X-ray system operators; 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	Chizek	Hall	Lamb	Morrissey
Ashford	Conway	Hannibal	Landis	Nelson
Baack	Coordsen	Hefner	Langford	Peterson
Barrett	Elmer	Johnson, L.	Lindsay	Robak
Beck	Goodrich	Korshoj	Lynch	Rogers
Beyer	Haberman	Kristensen	Moore	Schellpeper

Schimek	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein	Wesely	

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Pirsch

Excused and not voting, 8:

Bernard-Stevens	Byars	Crosby	Hartnett	McFarland
	Chambers	Dierks	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.

GENERAL FILE

LEGISLATIVE BILL 810. Title read. Considered.

Standing Committee amendment, AM1015, found in the Journal on page 1299 for the Fifty-First Day, was considered.

Messrs. Lindsay and Morrissey renewed their pending amendment, AM1017, found in the Journal on page 1304, to the Standing Committee amendment.

Messrs. Ashford and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay-Morrissey amendment lost with 8 ayes, 12 nays, 20 present and not voting, and 9 excused and not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 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: 410, 414, 587, and 733.

GENERAL FILE

LEGISLATIVE BILL 810. Mr. Coordsen moved to indefinitely postpone.

The Coordsen motion to indefinitely postpone prevailed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Standing Committee amendments, AM1016, found in the Journal on page 1299 for the Fifty-First Day, were considered.

Mr. Coordsen offered the following amendment to the Standing Committee amendments:
AM1159
(Amendments to Standing Committee amendment, AM1016)
1. On page 1, line 4, after "68701" insert ",
out of the General Fund".

The Coordsen amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Lindsay and Morrissey renewed their pending amendment, AM1023, found in the Journal on page 1305, to the Standing Committee amendments.

Messrs. Kristensen and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on the Lindsay-Morrissey amendment.

Voting in the affirmative, 16:

Abboud	Chizek	Hall	Landis	Lindsay
Beck	Goodrich	Kristensen	Langford	Lynch

Morrissey	Schimek	Smith	Warner	Wesely
Schellpeper				

Voting in the negative, 19:

Baack	Conway	Hefner	Nelson	Schmit
Barrett	Coordsen	Johnson, L.	Peterson	Wehrbein
Beyer	Elmer	Korshoj	Pirsch	Withem
Chambers	Hannibal	Lamb	Rogers	

Present and not voting, 6:

Dierks	Moore	Robak	Scofield	Weihing
Hartnett				

Excused and not voting, 8:

Ashford	Bernard-Stevens	Byars	Haberman	Labedz
		Crosby	Johnson, R.	McFarland

The Lindsay-Morrissey amendment lost with 16 ayes, 19 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA143
Disapprove claims #116 & #117 on page 3

Mr. Korshoj 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 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Conway	Kristensen	Nelson	Smith
Baack	Dierks	Langford	Pirsch	Wehrbein
Beck	Elmer	Lindsay	Robak	Weihing
Beyer	Hall	Lynch	Rogers	Wesely
Chambers	Hartnett	Morrissey	Schimek	Withem
Chizek				

Voting in the negative, 9:

Barrett	Goodrich	Johnson, L.	Landis	Warner
Coordsen	Hefner	Lamb	Schmit	

Present and not voting, 4:

Hannibal	Moore	Schellpeper	Scofield

Excused and not voting, 10:

Ashford	Byars	Haberman	Korshoj	McFarland
Bernard-Stevens	Crosby	Johnson, R.	Labedz	Peterson

The Chambers amendment was adopted with 26 ayes, 9 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Mr. Withem offered the following amendment:
FA144
strike section 11 of LB 812

SPEAKER BARRETT PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Korshoj asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1262

1. Insert the following new sections:

"Section 1. That section 23-1501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1501. In each county ~~of sixteen thousand inhabitants or more, and where the offices of register of deeds and county clerk are separate~~ that has a register of deeds, the county board shall provide suitable office room, fireproof vaults of sufficient capacity, and necessary books, blanks, stationery, and office furniture for the use of the register of deeds.

A register of deeds elected after November 1986 need not be a resident of the county when he or she files for election as register of deeds, but a register of deeds shall reside in the county in which he or she holds office.

Sec. 2. That section 23-1502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1502. ~~In each county having less than sixteen thousand inhabitants, and until such~~ Unless a register of deeds ~~shall be appointed or elected and qualified therein~~ is elected pursuant to section 32-308, the county clerk shall perform all the duties ~~enjoined~~ imposed by law upon ~~such officer,~~ the register of deeds and shall be ex officio register of deeds.

Sec. 3. That section 32-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-308. (1) A county sheriff, county treasurer, and county attorney shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(2) When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor, on either a full-time or part-time basis, as determined by the county board,

shall be elected in each county with a population of less than one hundred fifty thousand inhabitants at the general election in 1982 and every fourth year thereafter. In counties where the county surveyor is an ex officio county engineer as provided in section 23-1901, the office of surveyor shall be full time.

(3) Except as provided in section 79-311, a county superintendent of public instruction shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(4) A county clerk shall be elected, in each county having a population of two hundred thousand inhabitants or less, at the general election in 1962 and every fourth year thereafter and, in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

(5) A register of deeds shall be elected, in each county having a population of more than ~~sixteen~~ twenty thousand ~~five hundred~~ and not more than two hundred thousand inhabitants, at the general election in 1962 and every fourth year thereafter and, in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter. If the population of a county which has a separate office of register of deeds pursuant to this subsection falls below twenty thousand inhabitants after establishing such an office or if a county which has a separate office of register of deeds immediately prior to the effective date of this act has a population of twenty thousand inhabitants or less, the office of the register of deeds shall continue and the officer shall be elected pursuant to this subsection as if the county had a population of more than twenty thousand and not more than two hundred thousand inhabitants.

(6) A county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the general election in 1986 and every fourth year thereafter.

Sec. 4. That original sections 23-1501, 23-1502, and 32-308, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber the remaining sections and correct

13 internal references accordingly.

MESSAGES FROM THE GOVERNOR

February 16, 1989

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.

Appoinee: Claudette Valentine, 3518 Hawthorne Avenue, Omaha, NE 68131, (402) 533-3025.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 3, 1989

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: Floyd P. Vrtiska, P.O. Box 194, Table Rock, NE 68447, (402) 839-4135.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 3, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee: Gerald H. Stolze, 1201 F Street, South Sioux City, NE 68776, (402) 494-5471.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 10, 1989

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: Christine M. Harris, Director of Human Resources, Harris Labs, P.O. Box 80837.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1989, at 11:48 a.m., were the following bills: 410, 414, 587, and 733.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Place LB 642 on General File

Mr. Ashford moved to place LB 642 on General File pursuant to Rule 3, Section 19.

Laid over.

VISITORS

Visitors to the Chamber were Senator Robak's niece, Ruth Chermok, from Omaha; 102 eighth grade students and sponsors from St. Pius The X/St. Leo School, Omaha; 21 fourth grade students and sponsors from Shelby; a group of nine members of Golden K Kiwanis from Omaha; and 24 fourth grade students and teacher from Lincoln Elementary School, Plattsmouth.

RECESS

At 11:57 a.m., on a motion by Mr. Hannibal, 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. Bernard-Stevens and Mrs. Crosby who were excused; and Messrs.

Abboud, Ashford, Hannibal, McFarland, Mmes. Beck, and Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 646 in the Journal. No objections. So ordered.

AM1287
(Amendments to Standing Committee amendments, AM0786)
1. On page 1, line 15, after "its" insert "initial".

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 812. The pending Withem amendment, FA144, found in this day's Journal, was renewed.

Mr. Withem withdrew his pending amendment.

Messrs. Schmit and Moore offered the following amendment:
AM1256
1. Strike original section 8.
2. Renumber remaining sections accordingly.

Messrs. Coordsen, Dierks, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Schmit and Moore withdrew their pending amendment.

Mr. Moore offered the following amendment:
FA145
on page 6 line 11 strike $2,773,837 insert 1,688,367

SPEAKER BARRETT PRESIDING

Messrs. Schmit and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 14:

Abboud	Conway	Lindsay	Pirsch	Smith
Beyer	Hall	Moore	Schellpeper	Wesely
Chizek	Lamb	Morrissey	Schmit	

Voting in the negative, 18:

Ashford	Dierks	Johnson, L.	Nelson	Warner
Barrett	Elmer	Kristensen	Schimek	Wehrbein
Beck	Goodrich	Landis	Scofield	Weihing
Byars	Hannibal	Langford		

Present and not voting, 11:

Baack	Hartnett	Johnson, R.	Peterson	Rogers
Chambers	Hefner	Korshoj	Robak	Withem
Haberman				

Excused and not voting, 6:

Bernard-Stevens	Coordsen	Labedz	Lynch	McFarland
	Crosby			

The Moore amendment lost with 14 ayes, 18 nays, 11 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.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM1251

(Amendments to Standing Committee amendments, AM0800)

1. On page 7, line 2, strike "lines 1 and 2" and insert "line 1"; in line 3 after the semicolon

insert "in line 2 strike 'the tax request' and insert 'such budgeted current operational expense'; and in line 16 strike 'share of' and insert 'Class I affiliated share of the grades nine through twelve portion of'.

2. Strike original amendment 9 and insert the following:

"9. On page 19, strike beginning with 'The' in line 3 through 'grades' in line 8 and insert 'A percentage factor derived by dividing the taxable valuation of Class I property affiliated with each high school district by the sum of such Class I valuation and the taxable valuation of property of each such high school district shall be calculated. Such factor shall be multiplied times the high school portion of budgeted current operational expense as computed in subsections (1) and (2) of this section to arrive at an affiliated Class I share of the high school portion of budgeted current operational expense.'.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 695 in the Journal. No objections. So ordered.

AM1163

1. Insert the following new section:

"Sec. 3. That section 39-6,177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,177. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) ~~farm~~ Farm equipment in temporary movement during daylight hours, or during hours of darkness when

the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations; ~~,~~

(b) ~~combines~~ Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with; ~~,~~

(c) ~~combines~~ Combines in excess of eighteen feet in width, while in the normal course of farm operations, ~~and~~ while being driven during daylight hours for distances of twenty-five miles or less on highways, and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with; ~~,~~

(d) ~~combines~~ Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation; ~~,~~

(e) ~~farm~~ Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours; ~~,~~

(f) ~~alfalfa~~ Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 39-6,127 are fully complied with, (ii) there is~~,~~ on the front vehicle and above the line of the regular lights of such vehicle~~,~~ a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there

is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways; ~~,~~

(g) ~~livestock~~ Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; ~~,~~

(h) During daylight hours only, vehicles ~~hauling~~ enroute to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load ~~thereon~~ if any, may be twelve feet in width; ~~,~~

(i) ~~mobile~~ Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours; ~~,~~

(j) ~~a~~ A rubber-tired crane with a fixed load when (i) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (ii) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane~~,~~ specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (iv) such vehicle's gross weight does not exceed eighty-five thousand pounds~~,~~ if a four-axle crane~~,~~ or sixty-seven thousand pounds~~,~~ if a three-axle crane, and (v) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear

tandem axles does not exceed forty-two thousand five hundred pounds; ~~,~~ or

(k) ~~vehicles~~ Vehicles which have been issued a permit pursuant to section 39-6,181.01.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following: (a) Highways with traffic lanes of ten feet or less; (b) highways upon which are located narrow bridges; and (c) highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not~~,~~ in the opinion of the Director-State Engineer~~,~~ safely accommodate vehicles of more than ninety-six inches in width.".

2. On page 29, line 8, strike "and" and insert a comma; and in line 9 after the second comma insert "and 39-6,177,".

3. Renumber the remaining section accordingly.

Messrs. Peterson and Schellpeper asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

AM1107

1. Insert the following new section:

"Sec. 25. (1) A first responder who renders care at the scene of an accident or other emergency shall not be liable in any civil action for damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any service for which the first responder has received training in either of the courses set out in subsection (2) of this section. Nothing in this section shall be deemed to grant immunity for liability arising out of the operation of any motor vehicle, aircraft, or boat or while such person was impaired by alcoholic liquor or any controlled substance enumerated in section 28-405 in connection with such service or to grant immunity to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of

commission or omission.

(2) For purposes of this section, first responder shall mean a person who locates and provides basic life support to patients at the scene of an emergency and who (a) holds a current certificate of successful completion of the United States Department of Transportation Forty Hour Emergency Medical Services-First Responder Course or (b) has passed the Nebraska Fire Service's Fifty-Two Hour Firefighters First Aid Course.".

2. On page 3, line 21; page 4, line 4; page 8, line 4; page 10, lines 6 and 23; page 12, line 2; page 13, line 2; page 16, line 24; page 18, line 25; page 19, lines 6 and 15; page 21, line 9; page 23, line 8; page 24, line 16; and page 25, line 11, strike "24" and insert "25".

3. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORT
Rules

Your Committee on Rules whose Chairperson is Senator Dan Lynch to whom was referred Senator Don Wesely's Proposed Rule Change to amend Rule 5, Section 6 and found on Journal page 1488 instructs me to report the same back to the Legislature with the recommendation that it be indefinitely postponed.

(Signed) Dan Lynch, Chairperson

GENERAL FILE

LEGISLATIVE BILL 710. Title read. Considered.

Ms. Scofield offered the following amendment:
AM1270

1. On page 2, line 2, strike "$10,000" and insert "$25,000; in line 3 after "the" insert "College of Law of the"; in line 4 strike "Nebraska-Lincoln Water Resources Center" and insert "Nebraska"; in line 23 after "The" insert "College of Law of the" and strike "Nebraska-Lincoln Water" and insert "Nebraska"; and in line 24 strike "Resources Center".

2. On page 3, after line 5 insert:

"It is the intent of the Legislature that the

funds appropriated in this section may be used by the College of Law of the University of Nebraska to leverage additional funding from other sources to conduct studies on the same or similar issues.".

Mr. Dierks offered the following amendment to the pending Scofield amendment:
AM1286
1. On page 3, lines 4 and 5, strike "September 1, 1990" and insert "December 1, 1989".

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 23 ayes, 0 nays, 19 present and not voting, and 7 excused and not voting.

The pending Scofield amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 646. Title read. Considered.

Standing Committee amendment, AM0786, found in the Journal on page 1106 for the Forty-Fourth Day, was considered.

Mr. Schellpeper renewed his pending amendment, AM1287, found in this day's Journal, to the Standing Committee amendments.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

FA146
amend the Withem amendment (AM1196)
Strike Sec. 4(2) (a) & (b) also strike Sec. 4(3) (a) beginning with (,) on line 24 to (;) on line 5

VISITORS

Visitors to the Chamber were five seventh and eighth grade students and teacher from Newport; 30 fourth grade students and teacher from Oakland-Craig Elementary, Oakland; 28 fourth grade students and teacher from Wasmer School, Grand Island; 16 fourth and sixth grade students and teacher from Hanover School, Glenvil; Kory Beyl from Lexington, Jim Bachman from Hay Springs, and Jana Henry from Grant; and 22 fifth and sixth grade students and teachers from Elgin Public School.

ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Friday, April 7, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 7, 1989

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 7, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 7, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Lincoln Justice, Lakeview Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Conway and Mrs. Labedz who were excused; and Messrs. Abboud, Byars, Coordsen, Haberman, Hall, R. Johnson, Lamb, Landis, Lindsay, McFarland, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

REPORT

Received copy of "Nebraska Rail Program Needs" study from the Department of Roads in response to LR 386, 1988.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 70 and LR 73.

UNANIMOUS CONSENT - Member Excused

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 69. Read. Considered

LR 69 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 247. Title read. Considered.

Mr. Withem withdrew his pending amendment, AM1196, found in the Journal on page 1452.

The Conway amendment, FA146, to the Withem amendment, AM1196, found in the Journal on page 1563, was withdrawn.

Mr. Withem renewed his pending amendment, AM1282, found in the Journal on page 1526.

Ms. Scofield offered the following amendment to the pending Withem amendment:
AM1304

(Amendments to AM1282)

1. On page 2, line 15, strike "study shall be completed in two phases, and"; in line 19 strike "(1)"; strike line 21 and insert "to promote reasonable access to quality"; in line 22 after "efficient" insert ", equitable,"; and in line 24 strike "context of" and insert "characteristics and needs of Nebraska's population.".

2. On pages 3 and 4, strike lines 1 through 24.

3. On page 5, strike lines 1 through 13; in line 14 strike "(d)"; in line 16 strike "identification" and insert "initiation"; in line 17 after "plan" insert "shall be completed by December 15, 1990"; and strike lines 18 through 24.

PRESIDENT NICHOL PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 706 in the Journal. No objections. So ordered.

AM1315

1. Insert the following new section:

"Sec. 9. That section 79-4,207, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,207. (1) Each local school board, after making a determination that an actual or potential environmental hazard exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than ~~the first Monday in~~ August 25, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazards in its school buildings or grounds. Each local school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the school district.

(2) The school board shall designate the particular environmental hazard abatement project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year thereof. The school board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section may be imposed for

such duration as shall be specified by the school board notwithstanding the contemporaneous existence or subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the school district of bonded indebtedness payable from its general fund levy.

(3) 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, rule, or regulation.

~~(3)~~ (4) It shall be the duty of the county clerk to levy such taxes, not to exceed ~~three and one-half~~ five and one-fifth cents per one hundred dollars of taxable valuation, on the taxable property of the school district necessary to cover the abatement costs itemized by the school board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the proper school district and used to cover the abatement costs.

~~(4)~~ (5) Each school district which submits an itemized estimate shall establish an environmental hazard abatement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the abatement costs. Such estimates may be presented to the county clerk and taxes levied accordingly. ~~In no event, however, may a school board present any such estimates after August 1, 1993.~~ The Commissioner of Education shall, by January 1, 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

~~(5)~~ (6) The itemized estimate submitted by a school board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

~~(6)~~ (7) For purposes of this section, the term abatement shall include, but not be limited to, any inspection and testing regarding environmental hazards,

any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of environmentally hazardous material or property, any restoration or replacement of material or property, any related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or grounds under the school board's control, except that the term abatement shall not include the encapsulation of any material containing more than one percent friable asbestos.

(8) For the purpose of paying amounts necessary for the abatement of environmental hazards, the school board of each affected school district may borrow money and issue bonds and other evidences of indebtedness of the school district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the school district of amounts received in respect of the tax levy provided for by this section and any other funds of the school district available therefor. Bonds and other evidences of indebtedness issued by a school district pursuant to this subsection shall not constitute a general obligation of the school district or be payable from any portion of its general fund levy. Any school district may use the Interlocal Cooperation Act in order to issue and sell such bonds and other evidences of indebtedness jointly and cooperatively with any other school district in such manner as they mutually agree upon, including without limitation as a part of a transaction in which such school districts borrow money necessary for the abatement of environmental hazards and irrevocably pledge amounts received in respect of the tax levy. No school district shall be or become liable in any way or to any extent for the repayment of any amounts borrowed by another school district in connection with an environmental hazard abatement project.".

2. On page 14, line 6, after the second comma insert "and section 79-4,207, Revised Statutes Supplement, 1988,".

3. Renumber remaining sections accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 487 in the Journal. No objections. So ordered.

AM1105

1. Insert the following new sections:

"Sec. 9. That section 79-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1302. (1) The State Treasurer shall each year on or before the third Monday in January, make a complete exhibit of all money belonging to the school fund of the state as returned to him or her from the several counties together with the amount derived from other sources and deliver ~~the same~~ such exhibit duly certified to the Commissioner of Education. Within twenty days thereafter, the Commissioner of Education shall make the apportionment of the funds in such counties as follows: From the whole amount there shall be paid to those districts in which there are school or saline lands and to the nonresident high school fund of the county an amount in lieu of tax money that would be raised if such lands were taxable, to be fixed in the manner prescribed in section 79-1303; the remainder shall be apportioned to the counties according to the pro rata enumeration of children between the ages of five and eighteen years in each county last returned from the county superintendent.

(2) The Commissioner of Education shall certify the amount of the apportionment of the State School Fund as provided in subsection (1) of this section, to the superintendent of the proper county and to the Director of Administrative Services. The Director of Administrative Services shall draw a warrant on the State Treasurer in favor of the various counties for the respective amounts so certified by the Commissioner of Education. In a county with only one school district, the Director of Administrative Services shall draw the warrant in favor of the school district and forward such warrant to the county superintendent of such county.

Sec. 10. That section 79-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1306. ~~After~~ (1) In a county that has more

than one school district, after making such apportionment the county superintendent shall ~~(1)~~ (a) enter the apportionment immediately in a book kept for that purpose~~;~~ and furnish the county treasurer with a certified copy of such apportionment, ~~(2)~~ (b) furnish each of the secretaries of the respective districts in ~~his~~ the county a certificate~~;~~ showing the amount due such district, and ~~(3)~~ (c) draw warrants on the county treasurer in favor of each individual district or certify to the county treasurer the amount due such district for its share of the state apportionment.

(2) If there is only one school district in the county, the county superintendent shall enter the apportionment immediately in a book kept for that purpose and forward the warrant to such school district.".

2. On page 28, line 11, strike "13" and insert "15"; and in line 21 strike "11 and 15" and insert "13 and 17".

3. On page 29, line 2, after the second comma insert "79-1302, 79-1306,".

4. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

AM1261

(Amendments to AM0608)

1. On page 4, line 20, strike "If applicable, a" and insert "A".

2. On page 5, line 18, strike "account" and insert "property".

3. On page 12, line 16, strike "lessee's dwelling" and all amendments thereto and insert "place designated by the consumer".

4. On page 15, line 14, strike ", 5, 7, and 8" and insert "to 10".

Mr. Hefner asked unanimous consent to print the following amendments to LB 325 in the Journal. No objections. So ordered.

(1)

AM0979

(Amendments to Standing Committee amendments, AM0887)

1. On page 1, strike beginning with "strike" in line 6 through "9" in line 7 and insert "line 9, strike 'linens,' and 'trash,' ".

(2)

AM1295

(Amendments to Standing Committee amendments, AM0887)

1. On page 1, strike beginning with "strike" in line 10 through line 11 and insert "after 'photodegradable' insert ', unless such person offers a service to recycle or reuse such bags'.".

(3)

AM0980

(Amendments to Standing Committee amendments, AM0887)

1. On page 1, line 1, strike "sections 10 and" and insert "section"; in line 9 strike the second "and"; and in line 11 before the period insert "; and strike beginning with 'personal' in line 15 through line 16 and insert 'diaper which is' ".

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 6, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Frey, John O. - Lincoln	Lincoln Restaurant Association
Litjen, Thomas R. - Omaha	Joslyn Art Museum
McHenry & Flowers	
Evans, John C. - Lincoln	DYCOM, INTERNATIONAL
(Withdrawn 89/03/31)	(Withdrawn 89/03/31)
Pappas, James E. - Lincoln	Shaeffer, J. Murry
Skochdopole, R. A. - Omaha	Joslyn Art Museum

GENERAL FILE

LEGISLATIVE BILL 247. The pending Scofield amendment, AM1304, found in this day's Journal, was renewed.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Beyer	Hefner	McFarland	Peterson	Scofield
Coordsen	Korshoj	Moore	Pirsch	Wehrbein
Crosby	Lamb	Morrissey	Schellpeper	Wesely

Voting in the negative, 26:

Abboud	Chizek	Johnson, R.	Lynch	Schmit
Barrett	Elmer	Kristensen	Nelson	Smith
Beck	Hall	Landis	Robak	Warner
Bernard-Stevens	Hannibal	Langford	Rogers	Weihing
	Hartnett	Lindsay	Schimek	Withem
Byars	Johnson, L.			

Present and not voting, 5:

Baack	Chambers	Dierks	Goodrich	Haberman

Excused and not voting, 3:

Ashford	Conway	Labedz

The Scofield amendment lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Messrs. Schmit and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The pending Withem amendment was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Withem offered the following amendment:
FA147
page 3 strike lines 8 through 13; strike beginning with "including" in line 18 through "Nebraska" in line 20; line 14, strike "other changes" and insert "changes";
page 5, strike lines 1 through 5.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Withem amendment lost with 12 ayes, 20 nays, 13 present and not voting, and 4 excused and not voting.

Pending.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 47. E & R amendment, AM7007, found in the Journal on page 1441 for the Fifty-Seventh Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 548. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 582. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 582A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendments, AM7012, found in the Journal on page 1441 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 777. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 44. E & R amendments, AM7016, found in the Journal on page 1441 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 44A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 637. E & R amendments, AM7011, found in the Journal on page 1441 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 66. E & R amendment, AM7013, found in the Journal on page 1442 for the Fifty-Seventh Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 546. E & R amendments, AM7017, found in the Journal on page 1442 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendments, AM7026, found in the Journal on page 1443 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 401. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM7014, found in the Journal on page 1443 for the Fifty-Seventh Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 482. E & R amendments, AM7035, found in the Journal on page 1489 for the Fifty-Eighth Day, were adopted.

Advanced to E & R for Engrossment.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 392. E & R amendment, AM7025, found in the Journal on page 1489 for the Fifty-Eighth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 99. E & R amendments, AM7037, found in the Journal on page 1533 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 323. E & R amendments, AM7023, found in the Journal on page 1535 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 423. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. E & R amendments, AM7022, found in the Journal on page 1535 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 793. E & R amendments, AM7027, found in the Journal on page 1536 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 605. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 135. Mrs. Smith requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 324. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 206. E & R amendment, AM7024, found in the Journal on page 1536 for the Sixtieth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 669. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 487. E & R amendments, AM7030, found in the Journal on page 1537 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 487A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 228A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 627. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. E & R amendments, AM7029, found in the Journal on page 1538 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendment, AM7032, found in the Journal on page 1539 for the Sixtieth Day, was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 54A, 335, 335A, 395, 705, and LR 2CA.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LR 2

The following changes, required to be reported for publication in the Journal, have been made:
ER6154

1. On page 2, line 24, "or" has been struck and "and" inserted.
2. On page 4, the matter beginning with "used" in line 12 through "purposes" in line 13 has been struck and ", as defined by the Legislature," inserted; and in line 16 "assessed" has been struck and "taxed" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 247. Messrs. Warner, Kristensen, and Mrs. Langford renewed their pending amendment, AM1114, printed separately from the Journal and referred to on page 1540.

Mr. Wesely requested a ruling of the Chair on whether the Warner-Kristensen-Langford amendment is germane to the bill.

The Chair ruled the Warner-Kristensen-Langford amendment is not germane to the bill.

Pending.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89030

DATE: April 5, 1989

SUBJECT: Constitutionality of distributing a portion of the income from school trust lands to certain school districts in the form of in lieu of tax payments

REQUESTED BY: Senator Merton L. Dierks
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

Your letter of March 31, 1989, inquires as to whether the Legislature may establish an appropriate level of in lieu of tax payments to be made to the public schools in counties wherein tax exempt school trust land is located and provide that (1) an appropriate portion of those in lieu of tax payments be distributed to the school districts in which such land is located (for example, a percentage equal to such school district's share of the total tax levy which would be made on such land if it were taxable); (2) the remainder of such in lieu of tax payments be distributed to all school districts in the county on an appropriate basis; and (3) all school trust income in excess of those in lieu of tax payments be distributed to all school districts in the state on an appropriate basis.

Section 7 of the Act of Congress to enable the people of Nebraska to form a Constitution and State Government, and for the admission of the State of Nebraska into the Union on an equal footing with the original States, provides in part that:

"And be it further enacted, That sections number sixteen and thirty-six in every township. . .shall be, and are hereby granted to said state for the support of the common schools."

U.S. Stat. at Large, vol. 13, p. 47. The people of Nebraska in due course formed a Constitution and State Government and thereafter by proclamation of then President Andrew Johnson, Nebraska was admitted to the Union on March 1, 1867.

A grant by Congress of land to a state for the benefit of the common schools is an absolute grant, vesting title for a specific purpose. Alabama v. Schmit, 232 U.S. 168, 34 S.Ct. 301, 58 L.Ed.2d 555 (1914). Hence, Section 7 of the Enabling Act and Section 9 of Article VII of the Constitution of Nebraska require that income from Nebraska's school trust lands "be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide."

The fact that these lands are held in trust pursuant to the Nebraska Constitution and Enabling Act has the effect of incorporating the rules of law regulating the administration of trusts and the conduct and duties of trustees. Consequently, the state as trustee of these lands, and of the income therefrom, is required to administer the trust estate under the rules of law applicable to trustees acting in a fiduciary capacity. State ex rel. Ebke v. Board of Educational Lands and Funds, 159 Neb. 79, 65 N.W.2d 392 (1954). This means, among other things, that the state in its capacity as trustee has duties to all beneficiaries of the school trust and cannot lawfully confer special benefits on some to the detriment of others, nor can it lawfully impose special detriments on some to the benefit of others.

In lieu of tax payments, of course, are not taxes, but are merely one form of distributing school trust income to the various school districts of the state. An appropriate level of such in lieu of tax payments to the public schools in geographic areas containing tax exempt school trust land is lawful precisely because it removes a special detriment (or disadvantage) which those areas would otherwise suffer, as compared to other identical areas containing no school trust land. Its purpose is to place all of Nebraska's school districts on an "equal footing" with one another so that those containing school trust land neither suffer special detriments, nor receive special benefits, due solely to that fact. The discretion vested in the Legislature pursuant to Section 9 of Article VII includes, among other things, its discretion to establish the appropriate level

of such in lieu of tax payments and provide for the distribution of those in lieu of tax payments in such manner as will, in the best judgment of the Legislature, meet its obligations to all beneficiaries of the school trust, including those school districts in areas which include, and others in areas which do not include, tax exempt school trust land.

The system you propose, although different from the present method of distributing in lieu of tax payments, would, in our opinion, be entirely lawful. Since these in lieu of tax distributions would be made exclusively to school districts, this system (like the present method) would not contravene the prohibition against diverting school trust income to non-trust uses which was discussed at length in our Opinion No. 89016 which became official on March 20, 1989. Similarly, it also would not have the defects addressed in our Opinion No. 89022 dated March 24, 1989, wherein we found unlawful a plan which would have (1) ended such in lieu of tax payments entirely, thus imposing special detriments on those school districts in areas of the state containing tax exempt school trust land to the benefit of others in different areas containing no such land, and (2) replaced these in lieu of tax distributions with a different scheme conferring special benefits on some school districts to the detriment of others.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-61-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 89031

DATE: April 6, 1989

SUBJECT: State School Funds; Apportionment; in lieu of tax money

REQUESTED BY: Senators Loran Schmit and Jerry Chizek
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In connection with school lands, as described in section 7 of the Enabling Act, and the distribution of income earned thereon, you state that it appears to you "that the current system of taking so called 'in lieu of tax' money and distributing these funds to certain selected school districts is clearly unconstitutional." You request our opinion thereon.

This office has not and cannot determine the constitutionality of operative statutes. See, for example, Volume 1 of the 1973 Nebraska Legislative Journal at page 37. That is a function of the courts. Indeed, this office is currently defending in court certain operative statutes which pertain to the distribution of income earned on (1) certain school funds and on (2) certain land granted by the Congress to the State of Nebraska for the support of the common schools.

Accordingly, we must, and do, respectfully decline to offer you our opinion on the "current system of taking so called 'in lieu of tax' money and distributing these funds to certain selected school districts." We simply cannot give opinions to senators on the interpretation of legislative bills which have become operative law.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-62-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Ms. Scofield, Messrs. Peterson, Elmer, and Schellpeper asked unanimous consent to have their names added as co-introducers to LB 325. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 780. Placed on Select File as amended.
E & R amendments to LB 780:
AM7036

1. For purposes of correlation with section 1, LB 1:
   a. On page 1, line 13, strike "to eliminate";
   b. On page 2, strike beginning with

"provisions" in line 1 through the semicolon in line 3; and strike beginning with the first comma in line 5 through "1943" in line 7; and

c. On page 30, strike beginning with "and" in line 11 through the second comma in line 13.

2. On page 3, line 15, after "be" insert "the".

3. On page 9, line 9, strike "liquors" and insert "liquor"; and in line 15 strike "liquors are", show as stricken, and insert "liquor is".

4. On page 10, lines 1 and 6; page 15, line 24; page 16, line 9; page 17, lines 7, 16, and 22; page 18, lines 15 and 20; page 20, line 1; page 24, line 17; and page 25, line 21, strike "liquors", show as stricken, and insert "liquor".

5. On page 11, line 19, strike the comma and show as stricken.

6. On page 15, line 11, strike "liquors are", show as stricken, and insert "liquor is".

7. On page 16, in lines 6, 15, and 25, after "oath" insert "or affirmation".

8. On page 19, line 21, strike "liquors", show as stricken, and insert "liquor" and strike "have", show as stricken, and insert "has".

9. On page 22, line 9, after "and" insert an underscored comma.

LEGISLATIVE BILL 95. Placed on Select File as amended.
E & R amendments to LB 95:
AM7042

1. In the Standing Committee amendments, AM0370:

a. On page 2, line 2, strike "approved"; and in line 4 after "section" insert "which are approved by the city"; in line 7 strike "A" and insert "The governing body of a"; in line 10 after the second "time" insert "ordinances"; in line 11 after "rules" insert an underscored comma and strike "through its governing body"; and strike beginning with "Among" in line 13 through "have" in line 14 and insert "Such power shall include, but not be limited to,"; and

b. On page 3, line 12, strike "section", show as stricken, and insert "subsection".

2. On page 1, line 1, strike beginning with

"cities" through "class" and insert "the Municipal Natural Gas Regulation Act; to amend sections 19-4601, 19-4603, and 75-109, Reissue Revised Statutes of Nebraska, 1943"; and in line 4 strike beginning with "and" through the period and insert "to provide powers and duties; to limit the jurisdiction of the Public Service Commission; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 762. Placed on Select File as amended.
E & R amendments to LB 762:
AM7040

1. In the Standing Committee amendments, AM0369, on page 1, line 7, strike "demand" and insert "claim"; in line 10 strike "refund"; and in lines 10 and 11 strike "commissioner" and insert "Tax Commissioner".

2. On page 5, line 4, strike "demand", show as stricken, and insert "claim"; in lines 5 and 7 strike "payments" and insert "payment"; in line 8 strike "are" and insert "is"; and in line 11 strike "demanded", show as stricken, and insert "claimed".

3. On page 9, line 9, strike "registration" and insert "registered".

4. On page 11, line 17, strike "refund" and show as stricken; and in line 25 strike "refund".

5. On page 12, line 3, after "refund" insert "or credit".

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendments to LB 280:
AM7039

1. In the Standing Committee amendment, AM0393, on page 1, line 5, after "for" insert "such".

2. On page 2, line 3, after the semicolon insert "to change a penalty provision;"; and in line 5 strike "duties" and insert "a duty".

3. On page 3, line 15, after "year" insert ". Such person".

4. On page 6, line 25, strike the comma and show as stricken.

5. On page 8, lines 11 and 19; and page 15, line 21, strike the comma and show as stricken.

6. On page 8, line 2, strike the last comma and show as stricken.

7. On page 15, line 21, after the first "and" insert "of".

8 On page 20, line 22, after "licensee" insert "or motor vehicle dealer".

9. On page 24, line 12, strike "licensed", show as stricken, and insert "licensee or motor vehicle".

10. On page 27, line 5, strike the first "or" and show as stricken, strike the second comma and show as stricken, and strike the third comma, show as stricken, and insert "or".

LEGISLATIVE BILL 444. Placed on Select File as amended.
E & R amendment to LB 444:
AM7038

1. On page 1, line 4, after "approval" insert "of the established and maintenance"; and in line 5 strike "levy".

LEGISLATIVE BILL 162. Placed on Select File.
LEGISLATIVE BILL 162A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 46 fourth grade students and principal from Neligh-Oakdale; 60 fourth grade students and teacher from Cottonwood Elementary, Omaha; 18 students and sponsors from Adams High School; 32 seventh and eighth grade students and teachers from Columbus; nine eighth grade students and teacher from Farwell; and 56 sixth grade students and teacher from St. Michael's, Hastings.

RECESS

At 11:48 a.m., on a motion by Mr. Korshoj, 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. Conway, Lynch, Schellpeper, and Mrs. Labedz who were excused; and Messrs. Ashford, Hall, R. Johnson, McFarland, Schmit, and Mrs. Beck who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 247. Ms. Scofield offered the following amendment:
FA148
Amend AM1282
line 6 - strike "five" and insert "thirteen"
line 7 - strike "two" and insert "five"
line 9 - after "and" insert "two of whom" and strike "who"
line 14 - strike the period after "Governor" and add - "and five representatives of the public at large to be appointed by the Governor in a geographically representative manner."

The Scofield amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Warner moved to suspend the rules, Rule 7 Section 3(d) to permit consideration of the Warner-Kristensen-Langford amendment, AM1114, to LB 247.

Mr. Landis 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, 3 nays, and 21 not voting.

The Warner motion to suspend the rules prevailed with 31 ayes, 8 nays, 3 present and not voting, and 7 excused and not voting.

The Warner-Kristensen-Langford amendment, AM1114, printed separately from the Journal and referred to on page 1540, was renewed.

Messrs. Hefner and Schmit 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 lost with 18 ayes, 11 nays, and 20 not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 247A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. Baack, Elmer, Hall, and Schellpeper asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1215
(Amendments to Standing Committee amendments, AM0664)

1. On page 1, line 13, after the quotation marks insert "; and in line 20 strike 'five', show as stricken, and insert 'two' ".

2. Insert the following new amendments:

"6. On page 14, lines 10 and 11, strike the new matter and insert 'in excess of a base amount of nine hundred thousand dollars together with any adjustments made by the department'; and on line 13 after 'service' insert '. On October 1 of each year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported'.

7. On page 24, line 6, after the second 'of' insert 'a base amount of'; in line 7 after 'dollars' insert 'as adjusted under this section'; in line 12 after 'than' insert 'a base amount of'; in line 13 after 'dollars' insert 'as adjusted under this section'; and in line 21 after the period insert 'On October 1 of each

year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported.'.

8. On page 31, line 22, after 'proposal' insert 'upon the written request of an applicant that such individual's application be subject to comparative review. Such written request shall be filed with the department within fifteen days of the publication of the original notice of intent'.

9. On page 37, line 22, after the second comma insert: 'or the department of its own volition may,'.

10. On page 38, line 3, after 'request' insert: 'or department decision to hold a public meeting'; and on line 5 after the period insert 'Such meeting shall be held no later than thirty days after the request or department decision to hold a public meeting and upon five days' notice, not including days the application is deemed to be incomplete.'.".

3. Renumber remaining amendments accordingly.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM1308

1. Insert the following new section:

"Sec. 6. That section 77-3509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3509. (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 any homestead of the following:

(a) Any ~~of any~~ veteran, as defined in section 80-401.01, drawing compensation from the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs because of one hundred percent disability and not eligible for total exemption under sections 77-3526 to 77-3528, or the unremarried widow or widower of ~~any~~ such veteran;

(b) The unremarried widow or widower ~~or~~ of any veteran, including those not listed in section 80-401.01, who died because of a service-connected disability;

(c) The ~~, or the~~ unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the dates described in section 80-401.01; or

(d) The unremarried widow or widower of a serviceman or servicewoman, including those not listed in section 80-401.01, whose death while on active duty was service-connected.

The exemption shall be based on the income of a claimant pursuant to subsection (2) of this section. Application for exemption under this section shall include certification of the status set forth in this section from the ~~Veterans' Administration~~ United States Department of Veterans Affairs.

(2) For a claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is 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 15,000	100
15,001 through 16,000	80
16,001 through 17,000	60
17,001 through 18,000	40
18,001 through 19,000	20".

2. On page 12, line 16, strike "and" and insert a comma; and in line 17 after the first comma insert "and 77-3509,".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 247. The pending Warner-Kristensen-Langford amendment, AM1114, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Warner-Kristensen-Langford amendment was adopted with 27 ayes, 12 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Wesely moved to indefinitely postpone LB 247.

PRESIDENT NICHOL PRESIDING

Mr. Haberman 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 Wesely motion to indefinitely postpone lost with 8 ayes, 26 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Moore offered the following amendment:
AM1306

1. Insert the following new sections:

"Sec. 5. That section 85-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-902. (1) The Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education, referred to in sections 85-901 to 85-911 and 85-9,103 to 85-9,109 as the ~~commission~~ data center, is hereby created.

(2) The ~~commission~~ data center shall consist of seventeen members as follows:

(a) Six members, two from each congressional district, shall be appointed from the general public by the Governor, with the advice and consent of the Legislature. Of such members initially appointed, two shall be appointed to terms of two years, ~~each,~~ two shall be appointed to terms of four years, ~~each,~~ and two shall be appointed to terms of six years. ~~each.~~ Thereafter all appointments of members from the public shall be to terms of six years. ~~each.~~ In appointing such members, the Governor shall take all steps necessary to ensure that the appointees (i) are broadly and equitably representative of the general public, (ii) are not employees or officers of any postsecondary institution of this state, and (iii) are not employees or officials of state government;

(b) Five members shall be representatives of

postsecondary education institutions of this state, (i) one member from the state university system appointed by and from the Board of Regents of the University of Nebraska, (ii) one member from the state college system appointed by and from the Board of Trustees of the Nebraska State Colleges, (iii) one member from a technical community college area board appointed by the area boards of the technical community colleges, (iv) one member from a governing board of an independent college of this state appointed by the Governor with the advice of the independent colleges, and (v) one member who is an owner, shareholder, or board member of a proprietary school of this state appointed by the Governor with the advice of the proprietary schools. Such members shall be appointed to terms of three years each;

(c) Either the Commissioner of Education or one member from the State Board of Education appointed by such board who shall serve for a term of three years; and

(d) Five alternate members shall be representatives of postsecondary education institutions of this state and chosen in the manner provided in subdivision (2)(b) of this section. Alternate members shall be accorded all the rights and privileges of other ~~commission~~ members, except that alternate members shall vote only in the absence of the representative to whom the member is an alternate. Such alternate members shall be appointed to terms of three years each.

Sec. 6. That section 85-915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-915. There is hereby created the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education Cash Fund. The fund shall contain only that money appropriated to the Legislative Council for purposes of contracting with the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education. Such fund shall be expended to: (1) Develop a plan for a uniform data system for postsecondary education institutions; (2) conduct studies of student attrition and transfer of program credits among systems of postsecondary education; (3) develop proposals for an integrated delivery system for adult and continuing

education; and (4) such other related studies and activities as may be authorized by contract. Any money in the Nebraska Coordinating Commission for Postsecondary Education Cash Fund shall be transferred to the Nebraska Data Center for Postsecondary Education Cash Fund on the effective date of this act. Any money in the Nebraska Data Center for Postsecondary Education Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 7. That section 85-916.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-916.01. There is hereby created the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education Administrative Cash Fund. The fund shall contain only that money which is received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and private colleges seeking provisional accreditation. Such fund shall be expended to cover the administrative costs of reviewing such applications. A report on the receipts and expenditures from such cash fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the cash fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276. Any money in the Nebraska Coordinating Commission for Postsecondary Education Administrative Cash Fund shall be transferred to the Nebraska Data Center for Postsecondary Education Administrative Cash Fund on the effective date of this act.

Sec. 8. That section 85-916.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-916.02. There is hereby created the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education Trust Fund. Such fund shall serve as a revolving fund to receive grants from foundations and institutions for specific studies which are a part of the powers and duties of the ~~commission~~ data center. Such grant money shall be used only for

purposes specified in the grant. A report of the findings of any studies done pursuant to such grants shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the trust fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276. Any money in the Nebraska Coordinating Commission for Postsecondary Education Trust Fund shall be transferred to the Nebraska Data Center for Postsecondary Education Trust Fund on the effective date of this act.

Sec. 9. That section 85-969, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-969. For purposes of sections 85-968 to 85-979, unless the context otherwise requires:

(1) Board shall mean the Executive Board of the Legislative Council;

(2) Committee shall mean the Performance Review and Audit Committee of the Legislature;

(3) ~~Commission~~ Data center shall mean the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education; and

(4) Information system shall mean the uniform information system established by sections 85-968 to 85-979.

Sec. 10. That section 85-983, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-983. ~~Commission~~ Data center shall mean the Nebraska ~~Coordinating Commission~~ Data Center for Postsecondary Education.

Sec. 11. Wherever the words Nebraska Coordinating Commission for Postsecondary Education appear in sections 49-506, 85-910.01, 85-913, 85-948, 85-954, 85-975, 85-977, 85-981, 85-9,103, 85-9,105, 85-9,107, 85-9,108, 85-9,109, 85-1007, 85-1008, 85-1102, 85-1103, 85-1105, 85-1106, 85-1107, 85-1108, 85-1109, and 85-1111, they shall be construed to mean and apply to the Nebraska Data Center for Postsecondary Education. The Revisor of Statutes shall substitute the words Nebraska Data Center for Postsecondary Education for the Nebraska Coordinating Commission for Postsecondary Education in such sections.

Wherever the word commission appears in sections 85-902.01, 85-903, 85-905, 85-906, 85-907, 85-908, 85-909, 85-910, 85-910.01, 85-911, 85-913, 85-948, 85-947, 85-985, 85-990, 85-992, 85-994, 85-995, 85-996, 85-997, 85-998, 85-999, 85-9,100, 85-9,101, 85-9,102, 85-9,104, 85-9,105, 85-9,107, 85-9,108, 85-1103, and 85-1111, it shall be construed to mean and apply to the data center. The Revisor of Statutes shall substitute the words data center for the commission in such sections.

Sec. 12. That original sections 85-902, 85-915, 85-916.01, 85-916.02, 85-969, and 85-983, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Insert underscoring in original sections and all amendments thereto.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore withdrew his pending amendment.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LR 68. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Chizek asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1314

1. On page 3, line 8, strike "any calendar year thereafter" and insert "1990".

2. On page 4, strike lines 6 through 11 and

insert:

"Sec. 4. Commencing December 15, 1989, each taxpayer who has paid in full all property taxes levied in 1989 and commencing December 15, 1990, each taxpayer who has paid in full all property taxes levied in 1990 shall be eligible to receive a rebate of ten percent of the property taxes paid up to a maximum rebate of two thousand dollars per taxpayer. Commencing December 15, 1989, each county treasurer shall make available application forms prescribed by the department."; and in line 14 after the period insert "The department shall issue the rebate due a taxpayer within sixty days of receipt of a complete application.".

3. Insert the following new section:

"Sec. 25. This act shall be considered a complete act and its provisions inseverable. If any provision of this act is declared unconstitutional, the entire act shall be invalid.".

4. Renumber the remaining sections accordingly

Messrs. Lamb and Chizek asked unanimous consent to print the following amendment to LB 84A in the Journal. No objections. So ordered.

AM1284

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $43,300,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Revenue, for Program 108, to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.".

2. On page 2, line 2, strike "$363,061" and insert "$269,678"; in line 3 strike "$1,242,464" and insert "$620,804"; in line 14 strike "$383,788" and insert "$191,893"; and in line 17 strike "$87,000,000" and insert "$50,400,000".

Mr. Weihing asked unanimous consent to print the following amendment to LB 756 in the Journal. No objections. So ordered.

AM1310

1. Insert the following new section:

"Sec. 3. That section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-209.02. The local governing body of a village may~~, at its discretion,~~ by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time, except that trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to sections 49-14,103.01 to 49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.".

2. On page 5, line 10, strike "and" and insert a comma; and in line 11 after the first comma insert "and 17-209.02,".

3. Renumber remaining section accordingly.

VISITORS

Visitors to the Chamber were Col. Richard Anderson, Col. Tom Handley, and Lt. Col. Clyde Webb from the Civil Air Patrol of Nebraska; members of Future Farmers of America from Humphrey; 23 fourth grade students and teacher from Central Elementary, Plattsmouth; Senator Rod Johnson's cousins, John and Jeff Stone, from Harvard, Nebraska; 49 eleventh grade students and teacher from Gretna; and 40 fourth grade students and teacher from Blumfield Elementary, Omaha.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Barrett, the Legislature adjourned until 9:00 a.m., Monday, April 10, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 10, 1989

LEGISLATIVE JOURNAL

SIXTY-SECOND DAY - APRIL 10, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett 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. Ashford, Mmes. Nelson, and Smith who were excused; and Messrs. Abboud, Baack, Hartnett, R. Johnson, Lynch, Schellpeper, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 69.

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendments, AM0532, found in the Journal on page 870 for the Thirty-Fourth Day, were considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments lost with 5 ayes, 23 nays, 14 present and not voting, and 7 excused and not voting.

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.

Mr. Landis moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Chambers	Hall	Landis	Robak	Warner
Chizek	Johnson, L.	Lindsay	Schimek	Wehrbein
Coordsen	Johnson, R.	McFarland	Schmit	Wesely
Crosby	Korshoj	Moore	Scofield	Withem
Dierks	Labedz	Morrissey		

Voting in the negative, 16:

Baack	Beyer	Haberman	Lamb	Rogers
Barrett	Conway	Hannibal	Langford	Schellpeper
Bernard-Stevens	Elmer	Hefner	Peterson	Weihing
	Goodrich			

Present and not voting, 4:

Beck	Byars	Hartnett	Pirsch

Excused and not voting, 6:

Abboud	Ashford	Kristensen	Lynch	Nelson

Smith

Failed to advance to E & R for Review with 23 ayes, 16 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

AM1305

1. On page 3, line 5, after "for" insert "(a)"; and in line 8 strike beginning with "unless" through "includes" and insert "or (b) any project bid or proposed by any county board, contracting board of any city, village, or school district, public board or officer referred to in subsection (1) of this section which has a total cost of five thousand dollars or less unless the state or such boards and officers include".

GENERAL FILE

LEGISLATIVE BILL 588. The pending Smith motion, found in the Journal on page 1395, to reconsider the Labedz amendment, AM1125, to the Standing Committee amendments, was renewed.

Messrs. Schmit and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Business and Labor
Gerald H. Stolze - Boiler Safety Code Advisory Board

General Affairs
Claudette Valentine - Nebraska Arts Council

Government, Military and Veterans Affairs
Christine M. Harris - State Personnel Board

Natural Resources
Floyd P. Vrtiska - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

FA149
Strike Sections 2, 3 and ", including interest," in Section 5, line 6 & 7.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 sophomore students from across the state; Harvey Frederick, George Ogden, and Leon Campbell from the Iowa Tribe of Kansas and Nebraska; 44 fourth grade students and teachers from St. Bernard's School, Omaha; Grace Burney from Polk; 120 juniors, seniors, and teachers from Lincoln; 25 eighth grade students and teacher from Arapahoe; 24 juniors, seniors, and teacher from Ralston; and 50 fourth grade students and teacher from Rose Hill Elementary, Omaha.

RECESS

At 12:00 noon, on a motion by Mr. Withem, 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. Smith who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Haberman, Hall, Kristensen, Landis, Schellpeper, Schmit, Weihing, Wesely, Mmes. Nelson, and Pirsch who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 10, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 410, 414, 587, and 733 were received in my office on April 6, 1989.

These bills were signed by me on April 10, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 10, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 157, 46, 145, 231, 231A, 237, 379, and 418 were received in my office on April 5, 1989.

These bills were signed by me on April 10, 1989, 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 653 in the Journal. No objections. So ordered.

AM1324

1. On page 4, after line 6 insert:
"The commission may receive staff support from the offices of the Director of Research, the Legislative Fiscal Analyst, and the Revisor of Statutes.".

GENERAL FILE

LEGISLATIVE BILL 588. The pending Smith motion, found in the Journal on page 1395 and considered in this day's Journal, to reconsider the Labedz amendment, AM1125, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Smith motion to reconsider prevailed with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Labedz amendment, AM1125, found in the Journal on page 1393, to the Standing Committee amendments, was reconsidered.

Mrs. Labedz moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Barrett	Elmer	Johnson, L.	Lynch	Schmit
Beyer	Goodrich	Johnson, R.	Peterson	Warner
Byars	Haberman	Labedz	Rogers	Wehrbein
Coordsen	Hannibal	Lamb	Schellpeper	Weihing
Crosby	Hefner	Lindsay		

Voting in the negative, 22:

Baack	Chizek	Korshoj	Moore	Schimek
Beck	Conway	Kristensen	Morrissey	Scofield
Bernard-Stevens	Dierks	Landis	Pirsch	Wesely
Chambers	Hall	Langford	Robak	Withem
	Hartnett	McFarland		

Excused and not voting, 4:

Abboud	Ashford	Nelson	Smith

The Labedz amendment was adopted with 23 ayes, 22 nays, and 4 excused and not voting.

The Chair declared the call raised.

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?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments, as amended, lost with 19 ayes, 20 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Conway moved to indefinitely postpone LB 588.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

FA150

"1. This act shall be known and may be cited as the Nebraska Collegiate Athletic Association Procedures Act."

2. Page 4, line 14, strike "fifty".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89032

DATE: April 10, 1989

SUBJECT: LB 781, Local Control of Liquor License Applications

REQUESTED BY: Senator Douglas A. Kristensen, District 37
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Elaine A. Catlin, Assistant Attorney General

QUESTION: Whether the amended version of LB 781 addresses the objections the Supreme Court had to LB 911 with regard to delegation of legislative authority and whether LB 781, as amended, may be successfully defended from further constitutional attack based on the unconstitutional delegation of legislative authority.
CONCLUSION: No.

As the opinion request noted, LB 781 is a legislative response to a recent Nebraska Supreme Court decision in Bosselman, Inc. v. State, 200 Neb. 471, ____ N.W.2d ____ (1988). In Bosselman, the court concluded that LB 911, enacted by the Eighty-Ninth Legislature in 1986, was an unconstitutional delegation of the State's legislative power to local governing bodies.

In Bosselman, the court held that a delegation of authority must provide the local governing bodies with "adequate, sufficient, and definite standards within which they are to exercise their discretion." Id. at 477, ____ N.W.2d at ____. In Bosselman, the court found LB 911 lacking in two respects. First, LB 911, which amended Neb.Rev.Stat. § 53-137(7) (Reissue 1988), provided that local governing bodies were not limited to the licensing criteria enumerated therein; and secondly, that § 53-134.01 allowed local governing bodies to adopt by ordinance, more restrictive licensing standards than those of the Liquor Commission, based on that particular community's needs or standards.

LB 781 has attempted to address those objections by limiting the local governing bodies' deliberations to designated criteria and by removing the provision which allows local governing bodies to adopt by ordinance, more restrictive licensing standards than those of the Liquor Commission.

Although the specific provisions that the court found to be unconstitutional in Bosselman have been removed, the proposed criteria contained in LB 781 are not sufficiently adequate or definite standards which may be successfully defended from further

constitutional attack based on Nebraska Constitution, Article II, Section 1. In Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), milk processors challenged as an unconstitutional delegation a statute which empowered the Director of the Department of Agriculture and Inspections to adopt by regulation minimum standards for Grade A milk products in general compliance with the Milk Ordinance and Code of the U.S. Public Health Service, violation of which would constitute a misdemeanor. The court held that the statute unconstitutionally delegated to an administrative officer the Legislature's power to define crimes. The court stated that the limitations of the power granted by the Legislature and the standards by which the granted powers are to be administered must be clearly and definitely stated in the authorizing act.

In Ewing v. Bd. of Equalization, 227 Neb. 798, 420 N.W.2d 685 (1988), a suit was brought challenging the constitutionality of a statute dealing with tuition charged by school districts receiving nonresident high school students. In holding a portion of the statute unconstitutional, the court noted that the power delegated by the statute is the power to levy a tax, and the tax was not clearly limited as to amount and purpose. The court noted that the controlling issue on this point is that the delegation must be limited to a determinable degree.

The court also addressed the issue of the delegation of authority in State ex rel. Douglas v. Neb. Mortgage Finance, 204 Neb. 445, 283 N.W.2d 12 (1979). In that case, the court held that the Mortgage Finance Fund Act did not result in the impermissible delegation of powers reserved to the Legislature. The court noted that a legislative enactment may properly confer general powers upon an administrative agency and delegate to the agency the power to make Rules and Regulations concerning the details of the legislative purpose. The court noted that the standards used 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 and must also be sufficient to enable those affected to know their rights and obligations.

LB 781 would amend the Nebraska Liquor Control Act by providing twenty-two criteria to be used in an application for a retail liquor license. The criteria to be used by a local governing body are identical to the criteria which would be used by the Commission. The Act provides for only consideration of the listed criteria and does not empower a local governing body to enact ordinances with more restrictive licensing standards. Therefore, the two specific provisions which were held unconstitutional by the court in Bosselman have

been eliminated. However, the proposed criteria do not provide adequate, sufficient, and definite standards within which the local governing body may exercise their discretion. In particular, § 53-132(3)(i), (j), and (r) are vague and do not appear to set a definite standard. These subsections are several of the enumerated criteria and read as follows:

(i) The nature of the neighborhood or community where the proposed premises are located;

(j) Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest;

(r) Whether the application will provide an improvement to the neighborhood, a betterment for the community, or an increase in service to the public at large.

Additionally, § 53-134 would provide that the designated criteria prescribed in the subsections shall not necessarily be of equal value that can be computed in a mathematical formula. Such designated criteria shall be weighed and cumulated positively and negatively. It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this subsection. The burden of proof and persuasion shall be on the party filing the application.

In reviewing the criteria listed above, it appears that a local governing body would have the discretion to deny any application if the applicant failed to prove that he would provide an improvement to the neighborhood, a betterment to the community, or an increase in service to the public at large, or if the applicant failed to prove that the proposed license would be consistent with the public interest. Arguably, a local governing body could take the position that any retail liquor license would not be an improvement to the community nor would it be consistent with the public interest. Additionally, since the factors are only weighed in a positive and negative fashion and a mathematical formula is not applied, it would appear that an application could be denied solely on the basis of the applicant's inability to prove that the proposed license would be consistent with the public interest. The standard is also sufficiently vague that it would be difficult for an applicant to garner evidence which would establish that all of the criteria have been met. This standard does not appear to meet the test of enabling those affected to know their rights and obligations as required in Neb. Mortgage Finance, supra. Although an applicant may be required to prove its fitness and willingness to provide the service proposed, its ability to conform to the Rules and Regulations of the Nebraska Liquor Control Act, that the management and control exercised over the premises will ensure compliance with such Rules and Regulations, and that the issuance

of the license is or will be required by the present or future public convenience and necessity; it seems unreasonable to require the applicant to prove that the license will be consistent with the public interest and will provide an improvement to the neighborhood. See, Kerry's Inc. v. Nebraska Liquor Control Commission, 213 Neb. 442, 329 N.W.2d 364 (1983).

The proposed delegation also appears to violate equal protection provisions of the United States and Nebraska Constitutions. In addressing equal protection with respect to liquor licenses, the Nebraska Supreme Court has said:

> "The right to engage in the sale of intoxicating liquors involves a mere privilege; and restrictive regulations or even a suppression of the traffic do not deprive persons of property without due process of law, violate the privileges or immunities clause, the due process clause, the uniformity provisions, nor, unless they contain irrational classifications or invidious discriminations, the equal protection of the law as prohibited by the state and federal Constitutions."

Bali Hai', Inc. v. Nebraska Liquor Control Commission, 195 Neb. 1, 8, 236 N.W.2d 614, 618 (1975). However, justification for classification must exist, and purely arbitrary treatment cannot be sustained. Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, 183 Neb. 410, 160 N.W.2d 232 (1968).

> "A legislative classification must operate uniformly on all within a class which is reasonable. Exemptions are allowed where they are made applicable to all persons of the same class similarly situated."

Casey's Gen. Stores v. Nebraska Liq. Cont. Comm., 220 Neb. 242, 243, 369 N.W.2d 85, 87 (1985).

> "While it is competent for the Legislature to classify for purpose of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified."

Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, supra at 417, 160 N.W.2d at 237.

Gas 'N Shop v. Nebraska Liquor Control Commission, 229 Neb. 530, 539, ____ N.W.2d ____ (1988).

In the proposed legislation, local governing bodies may make a binding recommendation to the Commission on license applications or the local governing body may leave the decision to the Commission. No criteria are included which would guide the local governing body in determining whether the local governing body will submit a binding recommendation to the Commission. Presumably,

the local governing body may decide to submit a binding recommendation to the Commission for any reason or for no reason at all. Additionally, either the local governing body or the Commission may suspend, cancel or revoke a license.

By their very nature, it would appear that local governing bodies would apply a local standard in rendering a decision on applications, suspensions, cancellations and revocations while the Commission would apply a state standard. It appears that a classification for local decisions and a classification for Commission decisions have been created. However, no criteria have been established to determine under which classification a particular application, suspension, cancellation or revocation will be processed. Since this legislation does not appear to operate uniformly on all applicants and licensees and no justification for the distinction exists, it violates equal protection provisions.

These equal protection violations also appear in the appeal procedures. In the past, the Nebraska Supreme Court has held that the standards for the Administrative Procedures Act are applicable to appeals from decisions of the Commission. See Gas 'N Shop, supra. Since a local governing body does not qualify as an administrative agency under the Neb.Rev.Stat. §84-901, the appeal standards contained in the Administrative Procedures Act do not apply to local governing bodies. Therefore, an appeal from an application may be judged on different standards of review, depending on which body made the decision.

Similarly, since the Administrative Procedures Act applies to the Commission, all actions taken by the Commission should conform to requirements to the Administrative Procedures Act. The procedures provide for the Commission to serve a party with a notice of denial but do not provide for a hearing by the Commission and therefore, do not conform to the Administrative Procedures Act. Since the Commission is required to act in contested cases, but is not required to follow the Administrative Procedures Act, an applicant is denied due process of law.

For these reasons, we believe LB 781 cannot be successfully defended against attacks of unconstitutional delegation of legislative authority.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Elaine A. Catlin
Assistant Attorney General

cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 89033

DATE: April 4, 1989

SUBJECT: The Constitutionality of a Proposed Amendment to the State Claims Bill, LB 811, Seeking to Appropriate Additional Funds to Pay a Claim Which Has Already Been Settled.

REQUESTED BY: Senator George Coordsen
District No. 32

WRITTEN BY: Lisa D. Martin-Price
Assistant Attorney General

QUESTION: 1. Whether an amendment to the claims bill, LB 811, is constitutional when it seeks to appropriate additional funds to pay a claim which has already been settled, and when a full, complete, and legally binding release has been executed by all of the parties involved?
CONCLUSION: 1. No. Such an amendment would constitute special legislation in contravention of Article III, Section 18 of the Nebraska Constitution and the principles of sovereign immunity. Moreover, this amendment would violate the separation of powers doctrine set forth in Article II, Section 1 of the Constitution.
QUESTION: 2. Whether the Legislature, by an amendment to the claims bill, can appropriate funds to pay a claim which has not yet been presented to the State Claims Board?
CONCLUSION: 2. No. Again, a reading of the pertinent statutes and case law indicates that such an amendment would constitute special legislation in contravention of Article III, Section 18 of the Nebraska Constitution and the principles of sovereign immunity.

In your first question, you have asked whether an amendment to LB 811, the claims bill, is constitutional when it seeks to appropriate additional funds to pay a claim which has already been settled, and when a full, complete, and legally binding release has been executed. Specifically, you are concerned about Senator McFarland's amendment to LB 811, Am 1002, wherein he proposes to pay an extra $1,000.00 to a private individual above and beyond a settlement amount already agreed to and paid by the State of Nebraska and other defendants. It is the opinion of this office that this proposed amendment is unconstitutional for a number of reasons.

First, the proposed amendment violates the principles of sovereign immunity. Article V, Section 22 of the Nebraska Constitution provides: "The state may sue and be sued, and the Legislature shall provide by law in what manner and in what courts suits shall be brought." The Nebraska Supreme Court has held on numerous occasions that this section is not self-executing, and that the Legislature must, by specific and clear legislation, waive the immunity of the state in order for anyone to bring an action against the state. Gentry v. State, 174 Neb. 515, 118 N.W.2d 643 (1962) Vision Quest, Inc. v State, 222 Neb. 228, 383 N.W.2d 22 (1986).

In accordance with these propositions of law, the Legislature has enacted the State Claims Acts. See Neb.Rev.Stat. §§81-8,209 et seq. (Tort Claims); 81-8,294 et seq. (Miscellaneous Claims), and 81-8,302 et seq. (Contract Claims). These general statutes set forth the specific means by which tort and nontort claims, for which no money has been specifically appropriated, may be prosecuted; thus, they provide the exclusive remedy for individuals to sue the state for tort, miscellaneous, and contract claims. The state has not waived its sovereign immunity to be sued for such claims in any other manner.

The facts which are at issue here involve an original settlement agreement between the state, other defendants, and Barbara Shaw which would have called for the state to pay to Ms. Shaw $25,000.000. Ms. Shaw was required to file a miscellaneous claim for this amount with the State Claims Board. Said claim was allowed by the Board and forwarded to the Legislature for appropriation. The Legislature, however, deleted $2,500.00 from the appropriation amount. For this reason, two state employees became responsible personally for this amount. However, because of certain actions by Ms. Shaw which arguably breached the earlier settlement agreement and LB 1235, which requires that a full release of all parties be given before payment can be made, the parties engaged in further good faith bargaining as to the amount that these individuals would be required to pay to her. The result of these negotiations was that Ms. Shaw agreed to accept $1,500.00 instead of $2,500.00 as payment in full of her claims against these employees. This amount, together with the amount appropriated by the Legislature, has been paid in full, and a release has been executed by Ms. Shaw. Under the principles of sovereign immunity, the Legislature has no authority under the Nebraska Constitution to alter this settlement.

However, by proposing amendment 1002, Senator McFarland has essentially asked the Legislature to ignore the principles of sovereign immunity and enact special legislation in contravention of Article III, Section 18 of the Nebraska Constitution. Article III, Section 18 provides in pertinent part that: "The Legislature shall not pass local

or special laws . . . {g}ranting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. . . . In other cases where a general law can be made applicable, no special law shall be enacted."

This provision of the Nebraska Constitution was addressed in the leading case of Cox v. State, 134 Neb. 751, 279 N.W. 482 (1938), cited with approval in Smith v. Government of Virgin Islands, 375 F.2d 714 (3rd Cir. 1967). There, a legislative bill was passed which waived, for the plaintiff alone, the statute of limitations, and thereby the sovereignty of the state, and created liability on the part of the state for the negligence of its agents and servants. The Nebraska Supreme Court held that the Legislature's attempt to waive the sovereign immunity of the state and create liability on the state's part in favor of an individual for negligence was a special law in violation of Article III, Section 18. In so holding, the court reasoned: "It therefore seems apparent that only by general law, uniform in its application to persons, can liability of the state be constitutionally created for the negligence of its agents and servants." With this language, the court indicated that, by according preferred status to the plaintiff, the bill made an unreasonable distinction between the plaintiff and similarly situated citizens whose recovery for similar injuries would be barred.

Applying this holding to the instant case, it is patently obvious that, by ignoring the general laws providing the sole remedies for tort and nontort claims, the amendment in question attempts to enact special legislation to inure to the benefit of a private individual which privilege has not been extended to other individuals who have followed the claims process. AM 1002 is a special law providing for the payment of a gift in the amount of $1,000.00 to a designated person and not to a class of people, even though this person has already negotiated and received a fair settlement under the general laws, which provide that the claims process exists as her exclusive remedy.

Secondly, AM 1002 violates the separation of powers doctrine set forth in Article II, Section 1 of the Nebraska Constitution, which provides: "The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted." Pursuant to Article IV, Section 1 of the Nebraska State Constitution, the Attorney General is an executive officer.

The Attorney General and his designees are vested with broad common law and statutory powers to carry out the duties of the

Office. The inherent power and authority of the Attorney General to initiate and defend actions, to make decisions regarding strategy, and to negotiate and enter into settlements was addressed in State v. State Board of Equalization and Assessment, 123 Neb. 259, 242 N.W. 609 (1932), cited with approval in State v. Douglas, 217 Neb. 199, 349 N.W.2d 870 (1984). There, the Nebraska Supreme Court held that the Attorney General is the principal law officer of the state. Id. at 262. In this regard, the court stated:

> We find that a late case, which is in line with the weight of authority, is State v. Finch, 128 Kan. 665, 66 A.L.R. 1369, which traces the powers and duties of the Office of the Attorney General at common law from the earliest times to the present time, and holds: 'Ordinarily the Attorney General, both under common law and by statute, is empowered to make any disposition of the state's litigation which he deems for its best interest. (Emphasis added.)

Id. at 261. Moreover, the court stated that the Attorney General is clothed and charged with all common law powers and duties except to the extent that they are limited by statute; and, as the chief law officer of the state, he is authorized to exercise all such power and authority as the public interests may require, absent some express legislative restriction to the contrary. Id. at 261-262 State v. Douglas, 217 Neb. at 237.

These common law powers and duties were later codified by the Nebraska Legislature. Neb.Rev.Stat. §84-202 (Reissue 1987) provides:

> The Department of Justice shall have the general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested, and shall have charge and control of all the legal business of all departments and bureaus of the state, or of any office thereof, which requires the services of attorney or counsel in order to protect the interest of the state. (Emphasis added.)

With respect to the Miscellaneous Claims Act, it is provided that: "{t}he Attorney General shall be the legal advisor to the board for the purposes of this section and may authorize the Assistant Attorney General in charge of the Claims Division to perform any of his or her duties under this section." Neb.Rev.Stat. §81-8,297 (1988 Cum.Supp.).

Thus, it is clear from a reading of the cases and relevant statutes that the Attorney General and his designees have the power and duty to represent the state when tort and nontort claim are filed against it pursuant to the State Claims Acts. These powers include negotiating settlements and settling litigation. AM 1002, by proposing an additional payment of $1,000.00 over the amount of a settlement consummated by the Attorney General would, in essence, have the

legislature exercise the duties and powers of the Attorney General, an executive officer. This is clearly an unconstitutional violation of the separation of powers doctrine.

In your second question, you ask whether the Legislature, by an amendment to the claims bill, can appropriate funds to pay a claim which has not first been presented to the State Claims Board in accordance with the claims statutes. Again, our reading of the pertinent statutes and case law indicates that such an amendment would violate the principles of sovereign immunity and constitute special legislation in contravention of Article III, Section 18 of the Nebraska Constitution. The legal reasoning and basis for this conclusion has been previously discussed within the body of this opinion and will not be restated here. However, it is clear that the Legislature has waived the state's sovereign immunity to be sued only to the extent and in the manner set forth in the claims acts. With respect to miscellaneous claims, Neb.Rev.Stat. §81-8,296 (1988 Cum.Supp.) states: "The State Claims Board shall have the power and authority to receive and investigate miscellaneous claims against the state." Section 81-8,300 further provides that if the claimant is dissatisfied with the Board's decision, he or she may file an application for review by the Legislature. However, it is clear that the statutory prerequisite to review by the Legislature is that a claim must first be filed with the State Claims Board and a decision rendered by it before the Legislature may review the claim. If the Legislature bypassed this process for one individual, thereby attempting to waive the state's sovereign immunity, the Legislature would be enacting special legislation for the benefit of a single person as against all other similarly situated persons.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

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

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Chambers, 11th District.

WHEREAS, the National Committee for Prevention of Child Abuse has long been in the forefront of the struggle to protect children from all forms of abuse whether physical, sexual, emotional, or verbal and has set a goal of reducing child abuse by at least twenty percent by the end of 1990; and

WHEREAS, Mrs. Barbara Bush publicly has given her support to the sixth annual observation of April as Child Abuse Prevention Month; and

WHEREAS, Governor Kay Orr signed a proclamation recognizing April as Child Abuse Prevention Month; and

WHEREAS, child abuse is one of the most pressing family, health, and social problems facing America today; and

WHEREAS, over two million two hundred thousand children nationwide are abused and neglected annually; and

WHEREAS, in 1988, reported child abuse fatalities exceed one thousand two hundred, a five percent increase over the number reported in 1987; and

WHEREAS, over forty percent of reported child abuse in all its forms, affects children under the age of five years; and

WHEREAS, child abuse, which crosses all cultural, ethnic, social, and economic boundaries, is not an isolated problem and imposes an obligation on all of us as neighbors, family members, or public officials to help eradicate it; and

WHEREAS, no test more effectively reveals the nature of a society than that of how it treats its children who are its most precious but helpless resource.

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

1. That the Legislature recognizes April as Child Abuse Prevention Month and urges all persons to become aware of and support programs whose aims are to provide ongoing protection for all children.

2. That a copy of this resolution be transmitted to the National Committee for Prevention of Child Abuse, 332 South Michigan Avenue, Suite 950, Chicago, Illinois 60604-4357.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 611. Title read. Considered.

Standing Committee amendments, AM0783, printed separately from the Journal and referred to on page 1092, were considered.

Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore renewed his pending amendment, AM1222, printed separately from the Journal and referred to on page 1531, to the Standing Committee amendments.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Moore amendment was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
FA151
Amend AM1222, page 15 line 6 after 1, strike 1991 insert 1992

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.

Mr. Haberman moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Mr. Withem requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 21:

Abboud	Goodrich	Johnson, R.	McFarland	Scofield
Barrett	Haberman	Labedz	Nelson	Warner
Coordsen	Hannibal	Lamb	Peterson	Wehrbein
Crosby	Hefner	Langford	Schimek	Wesely
Elmer				

Voting in the negative, 23:

Baack	Chizek	Johnson, L.	Lynch	Rogers
Bernard-Stevens	Conway	Korshoj	Moore	Schellpeper
Beyer	Dierks	Kristensen	Morrissey	Weihing
Byars	Hall	Landis	Pirsch	Withem
	Hartnett	Lindsay	Robak	

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Ashford	Beck	Schmit	Smith

The Haberman amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments:
FA152
Amend AM1222, page 15, line 5 strike "January" and insert "June" and in line 6 strike "1" and insert "30"

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Warner amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 34 ayes, 1 nay, 10 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendments to LB 319:
AM7049
1 1. On page 1, line 5, after the first comma

insert "44-3519,".

2. On page 3, line 4, strike the second "the".

3. On page 4, line 14; and page 5, line 19, strike "resident in" and insert "who are residents of".

4. On page 8, line 24, strike ", rules, regulations," and insert "or by rules and regulations adopted and promulgated".

5. On page 9, line 6, strike the first comma; and in line 23 strike "and".

6. On page 10, line 4, after the last comma insert "or"; in line 5 strike ", but not including" and insert "but shall not include a"; in line 6 strike "claims or claims" and insert "claim or a claim"; in line 13 strike ", but not including" and insert ", but shall not include"; in line 18 after "sale" insert "of property or an interest therein"; in line 20 strike "or with" and insert an underscored comma; in line 21 strike "with"; in line 22 strike the second "upon"; and in line 23 after the second comma insert "or".

7. On page 11, line 5, after "director" insert an underscored comma.

8. On page 15, line 15, strike the colon; in line 16 strike the paragraphing and "(a) Shall" and insert "shall" and strike the semicolon and insert "and may"; strike line 17; in line 18 strike the paragraphing and "(b) May"; and in line 25, after "Act" insert an underscored comma.

9. On page 16, line 11; and page 17, line 10, strike the comma.

10. On page 18, line 9, strike "may"; and in line 11 strike "his or her" and insert "the".

11. On page 19, line 4, strike "times" and insert "period"; in line 6 after the second "or" insert "may"; and in line 8 strike "The" and insert "A".

12. On page 20, line 14, after "supervision" insert an underscored comma.

13. On page 21, line 3, strike the comma; in line 6 strike "shall"; in line 7 strike "violate" and insert "violates"; in line 9 strike "shall be" and insert "is"; in line 10 strike "shall suffer" and insert "suffers"; and in line 20 strike "exists" and insert "exist".

14. On page 22, line 6, after "issue" insert

an underscored comma; in line 11 strike the comma; and in line 23 strike the first comma.

15. On page 23, line 14, after "chambers" insert an underscored comma; and in line 24 strike "reviews" and insert "review".

16. On page 24, line 4, strike the comma; in line 6 strike "shall order" and insert "orders"; and in line 18 after the first comma insert "its".

17. On page 26, line 16, strike "or" and insert "of"; in line 20 strike "and" and insert an underscored comma; and in line 21 after "imminent" insert an underscored comma.

18. On page 27, line 7, strike the comma; and in line 25 strike "request or consent" and insert "requests or consents".

19. On page 28, line 22, strike "this" and insert "the".

20. On page 29, line 10, after "court" insert an underscored comma; and in line 24 after "managers" insert "of the insurer".

21. On page 31, line 1, strike the comma; and in line 3 after "propose" insert "the".

22. On page 33, line 10, after "If" insert "upon the petition of the rehabilitator or the directors of the insurer or upon its own motion at any time"; strike beginning with "The" in line 15 through line 17; and in line 23 strike the comma.

23. On page 34, line 21; and page 35, line 4, strike the comma.

24. On page 36, line 3, strike "orders" and insert "order".

25. On page 38, line 18, after "oaths" insert "and affirmations"; and in line 19 after "oath" insert "or affirmation".

26. On page 39, line 18, strike the comma.

27. On page 40, lines 10 and 16, strike the comma; and in lines 18 and 19 strike "he or she" and insert "the liquidator".

28. On page 41, line 12, strike the comma.

29. On page 42, line 11, strike the comma; in line 21 after "liquidation" insert "has"; and in line 22 after "which" insert "policies".

30. On page 43, line 1, strike "herein" and insert "in this subsection"; and in line 24 strike the

comma.

31. On page 44, line 1, strike "herein" and insert "in this section"; and in line 8 strike "either".

32. On page 45, line 17, strike the comma and after "receive" insert "actual".

33. On page 46, lines 1 and 7; and page 47, line 14, strike the comma.

34. On page 48, lines 10 and 11, strike the second comma; and in line 12, strike the comma.

35. On page 49, line 23, strike "A submission" and insert "The submission of an application"; and in line 25 strike "fulfills" and insert "shall fulfill".

36. On page 51, line 19, after "subsection" insert "shall".

37. On page 52, line 6, strike the comma.

38. On page 54, line 18, strike the second comma; and in line 20 strike "this" and insert "such".

39. On page 55, line 14, strike "an" and insert ": An"; and in line 23 strike "Where" and insert "When".

40. On page 57, lines 20 and 24, strike the comma.

41. On page 60, line 7, strike the second comma; and in line 24 strike "shall".

42. On page 61, line 3, strike "pay" and insert "pays" and strike "transfer" and insert "transfers".

43. On page 63, line 12, strike the comma; and in line 13 after "and" insert "in".

44. On page 66, lines 1 and 18; and page 67, line 2, strike the comma.

45. On page 72, line 2, strike "that"; and in line 15 strike the second comma.

46. On page 74, line 8, after "oath" insert "or affirmation".

47. On page 75, line 4, strike the comma.

48. On page 76, line 16, strike the comma; and in line 18 strike "he or she" and insert "the liquidator".

49. On page 77, line 2, strike the comma; in line 23 after "under" insert "this"; and in line 24 strike beginning with "(4)" through "section".

50. On page 78, line 18, strike the comma.

51. On page 80, line 4, strike "shall surrender" and insert "surrenders".

52. On page 81, line 7, after "directors" insert "of the insurer".

53. On page 83, line 3, strike "shall deem" and insert "deems"; and in line 6 strike the comma.

54. On page 85, line 25, strike "if" and insert ". If".

55. On page 86, line 2, strike "a"; in line 3, strike "fee" and insert "fees"; in line 12 strike "shall appear" and insert "appears"; and in line 24 strike "document" and insert "documents".

56. On page 87, line 17, strike "fear" and insert "believe"; and in line 23 after "claims" insert "against" and after "policies" insert "issued by such insurer".

57. On page 89, line 11, strike "to" and insert "through"; in line 16 strike "shall appear" and insert "appears"; in line 19 strike "shall deem" and insert "deems"; and in line 24 strike the comma.

58. On page 91, lines 12 and 21, strike the comma.

59. On page 92, line 1, strike "right" and insert "rights"; in lines 7 and 10 strike the comma; and in line 15 strike the second comma.

60. On page 93, line 5, strike "shall deem" and insert "deems"; and in line 14 strike the second comma.

61. On page 94, line 13, after "the" insert "regulatory entity of the"; in line 18 before "not" insert "which are"; and in line 21 strike the comma.

62. On page 95, line 13, strike the comma; and in line 22 strike "dates" and insert "date".

63. On page 96, line 11, after "service" insert an underscored comma.

64. On page 98, line 2, strike "secure" and insert "secured".

65. On page 101, lines 1 and 13, strike the comma and show as stricken.

66. On page 102, line 12, strike the comma.

67. On page 103, line 14, strike the second comma and show as stricken.

68. On page 104, line 10, after "reciprocal" insert "exchange".

69. On page 123, line 10, strike "act", show as stricken, and insert "Nebraska Life and Health Insurance Guaranty Association Act"; and in line 14 strike "act" and insert "Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act".

LEGISLATIVE BILL 640. Placed on Select File as amended.
E & R amendments to LB 640:
AM7046

1. In the Standing Committee amendment, AM0497, on page 1, line 6, strike the paragraphing; in line 8 strike "under"; in line 9 strike "subdivision (4)(c) of this section"; and in lines 19 and 20 strike the semicolon and insert an underscored comma.

2. On page 1, strike line 7 and insert "provide for filling vacancies"; and in line 8 strike "recalled".

3. On page 5, line 25, strike the first comma.

4. On page 8, line 9, after "32-1403" insert an underscored comma.

5. On page 9, line 7, reinstate the stricken comma.

6. On page 11, lines 22 and 25, after "proposition" insert an underscored comma.

7. On page 13, line 3, strike "Vacancies", show as stricken, and insert "Except as provided in subsection (4) of this section, vacancies".

8. On page 16, line 13, strike the comma.

LEGISLATIVE BILL 651. Placed on Select File as amended.
E & R amendment to LB 651:
AM7041

1. On page 1, strike beginning with "to" in line 3 through "awards" in line 4 and insert "to change provisions relating to the granting of certain awards by the Nebraska Coordinating Commission for Postsecondary Education".

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendments to LB 541:
AM7043

1. In the Standing Committee amendments, AM0456:

a. On page 2, lines 5 and 6, strike "whose primary function", show as stricken, and insert "the primary function of which"; and

b. On page 4, line 15, after "and" insert "the".

2. On page 1, strike beginning with "state" in line 1 through line 7 and insert "the State Tort Claims Act; to amend sections 81-8,209, 81-8,210, 81-8,212, 81-8,215, 81-8,218, 81-8,229, and 81-8,231, Revised Statutes Supplement, 1988; to provide for the applicability of the act to claims against employees of the state; to redefine a term; to harmonize provisions; to provide severability; and to repeal the original sections.".

LEGISLATIVE BILL 653. Placed on Select File as amended.
E & R amendments to LB 653:
AM7044

1. In the Standing Committee amendments, AM0734, on page 1, line 7, strike "Committee on Revenue" and insert "Revenue Committee of the Legislature".

2. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 3.

LEGISLATIVE BILL 653A. Placed on Select File.
LEGISLATIVE BILL 630. Placed on Select File.

LEGISLATIVE BILL 811. Placed on Select File as amended.
E & R amendments to LB 811:
AM7045

1. On page 2, line 17, strike "15th" and insert "16th".

2. On page 6, line 20, strike "$299,938.37" and all amendments thereto and insert "$298,468.37".

3. On page 8, line 8, strike the first period.

4. On page 9, line 17, strike "73" and insert "073".

LEGISLATIVE BILL 812. Placed on Select File as amended.
E & R amendments to LB 812:
AM7047

1. On page 6, line 18, strike "is not to" and insert "shall not".

2. On page 7, line 1, strike "be lapsed" and inserted "lapse".

LEGISLATIVE BILL 710. Placed on Select File.

LEGISLATIVE BILL 646. Placed on Select File as amended.
E & R amendments to LB 646:
AM7048

1. In the Standing Committee amendments, AM0786, on page 1, line 1, strike "section" and insert "sections".

2. On page 1, strike beginning with the second "to" in line 1 through line 5 and insert "to provide for membership and clinical privileges for certain medical practitioners as prescribed; and to authorize standards and procedures.".

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 705. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1340

1. Insert the following new sections:

"Sec. 8. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent.

Sec. 9. Sections 8 and 10 of this act shall become operative on July 1, 1989. The other sections of this act shall become operative on their effective date.

Sec. 10. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.

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 2, line 1, strike "This" and insert "Sections 1 to 7 of this".

3. Insert underscoring in the original sections.

Mr. Hall asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM1333

1. Insert the following new sections:

"Sec. 6. That section 77-3508, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3508. (1) All homesteads in this state which have been modified or built to be accessible by wheelchair and are occupied by a resident confined to a wheelchair 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~~ seventy-five thousand dollars of the actual value of any homestead of (a) veterans, as defined in section 80-401.01, who are totally disabled by a non-service-connected accident or illness, (b) individuals who are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, and (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms. ~~, and (e) individuals who have undergone amputation of both arms above the elbow.~~ The exemption shall be based on the income of a claimant pursuant to subsection (2) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through ~~(1)(e)~~ (1)(d) of this section or certification from the Veterans' Administration of the United States affirming that the homeowner is totally disabled due to

non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For a claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be one hundred percent. ~~the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.~~

~~Column A~~	~~Column B~~
~~Household Income~~	~~Percentage~~
~~In Dollars~~	~~Of Relief~~
~~0 through 10,400~~	~~100~~

Sec. 7. That section 77-3513, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3513. (1) For the tax year 1988, it shall be the duty of each claimant who wants a homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor on or before April 1, 1988, and failure to do so shall constitute a waiver of the exemption for such year. The application shall include a certification of disability status as required by sections 77-3508 and 77-3509.

(2) Except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 77-3507 or 77-3509 or subdivision (1)(b), (c), or (d)~~, or (e)~~ of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(3) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.".

2. On page 12, line 18, strike the second "and" and after the last comma insert "77-3508, and 77-3513,".

3. Renumber the remaining section

accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 762 in the Journal. No objections. So ordered.

AM1331

1. Insert the following new sections:

"Section 1. That section 77-1510, Revised Statutes Supplement, 1988, be amended to read as follows:

77-1510. Appeals may be taken from any action of the county board of equalization to the district court in the following manner:

(1) The appeal shall be filed within forty-five days after adjournment of the board which shall be deemed to be May 31 of the year in which the action is taken;

(2) The appeal shall be deemed to be filed for purposes of granting jurisdiction with the filing of the petition in district court; and

(3) A bond of no less than fifty dollars and no more than two hundred dollars, as determined by the district court, shall be filed with the petition in the form of a cash deposit or signature bond, property bond, or other bond approved by the county clerk.

After an appeal has been initiated, the board shall have no power or authority to compromise, settle, or otherwise change the action it has taken with respect to such assessment, and exclusive jurisdiction thereof shall be vested in the district court. No appeal shall in any manner suspend the collection of any tax, or the duties of officers relating thereto, during the pendency of the same, and all taxes affected thereby, which may be collected, shall be distributed as though no appeal were pending. If by final order of a court it is thereafter determined that ~~such tax or a part thereof should be refunded, the county treasurer is authorized to make the refund upon receiving a certified copy of such final order, the refund to be made from funds in his or her possession or accruing to the various taxing districts to the extent which they profited from the original overpayment~~ the value of the property should be reduced, any tax collected on the value in excess of the actual value found by the court shall be refunded in the

manner provided in section 77-1736.04, and the taxpayer shall not have been required to pay the tax under protest or pay the tax and initiate a refund claim.

The county may cross appeal, without giving bond, for the reason that the actual value of the owner's property is too low and should be increased in value as of the assessment date from which the appeal was taken.

In the event that the taxpayer as a part of his or her appeal challenges the values as determined by the agricultural land valuation manual as issued by the Tax Commissioner, the taxpayer shall at the time of filing his or her petition give notice to the Tax Commissioner of any such challenge and serve a copy of the petition upon the Tax Commissioner by certified mail within three days of the filing of the petition, and thereafter the Tax Commissioner shall be considered a party defendant in the appeal. Notwithstanding the denominating of the Tax Commissioner as a party defendant, the Tax Commissioner shall not be required to further plead in the cause but shall have the privilege of participating in the action without the necessity of intervention. The burden of proof shall be on the taxpayer to show the defect of the values as established in the agricultural land valuation manual. The court in its final order may, if the taxpayer has sustained his or her burden of proof, alter the valuation as established in the agricultural land valuation manual, in which case the court shall as a part of its findings set out specifically the defect found and the factual basis supporting such finding.

Any party may appeal the final order of the district court entered pursuant to this section to the Supreme Court in the manner provided for appeals in equity cases, and the Supreme Court shall thereafter review the case de novo on the record.

Sec. 6. (1) When property is valued or equalized by the Tax Commissioner or the State Board of Equalization and Assessment and an appeal is taken from such valuation or equalization and the final result of such appeal establishes a lower value than that on which taxes have been paid, the amount of taxes paid or the value in excess of that finally determined value shall be refunded to the taxpayers who have paid such tax.

(2) The Tax Commissioner upon receiving a certified copy of such final order shall certify the amount of the refund to the county treasurer of the county or counties to whom the tax was paid or distributed. If only valuation was previously certified to a county or counties, then the Tax Commissioner shall certify the value resulting from the final decision to the official who received the original valuation which was changed by the final order. The refund shall be made in the manner prescribed in subsection (2) of section 77-1736.04. Nothing in this section shall be construed to mean that any taxpayer shall have had to pay any tax under protest or paid tax and claimed a refund.

Sec. 8. Notwithstanding any other provision of the Nebraska Revenue Act of 1967, the Tax Commissioner or any employee of the Department of Revenue may disclose the election of another person made pursuant to subdivision (3) of section 77-2702.

Sec. 9. That section 77-2701, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 8 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15.".

2. On page 5, line 17, after "was" insert "not"; strike beginning with "two" in line 17 through line 19, show as stricken, and insert "all political subdivisions in a consolidated tax district and"; in line 21 strike "may", show as stricken, and insert "shall"; in lines 22 and 23 strike "public corporations or", show as stricken, and insert "political"; and in line 24 after "each" insert "such political subdivision".

3. On page 12, line 4, after the period insert "If only valuation was previously certified to a county or counties, then the Tax Commissioner shall certify the value resulting from the final decision to the official who received the original valuation which was changed by the final order."; and in line 18 after "sections" insert "77-1510,", strike the second "and",

and after the last comma insert "and 77-2701,".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 15 students and teacher from Crofton High School; six eighth grade students and teacher from St. Michaels School, Albion; and 45 fourth grade students and teacher from Utica.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 11, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Ron Knapp, First Unitarian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Beck, Pirsch, and Mr. Rogers who were excused; and Messrs. Ashford, Conway, Hall, Hannibal, L. Johnson, R. Johnson, Moore, Schmit, Mmes. Labedz, Smith, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 74. Read. Considered.

LR 74 was adopted with 26 ayes, 0 nays, and 23 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to state officers and employees; to amend sections 81-8,239.02, 81-8,239.05, and 81-8,239.06, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989; to change and provide duties for the Risk Manager; to provide for indemnification of awards, settlements, and associated costs; to provide for representation before tribunals; 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, 40:

Abboud	Chizek	Hannibal	Landis	Robak
Ashford	Conway	Hartnett	Langford	Schellpeper
Baack	Coordsen	Hefner	Lindsay	Scofield
Barrett	Crosby	Johnson, L.	Lynch	Warner
Bernard-Stevens	Dierks	Korshoj	McFarland	Wehrbein
	Elmer	Kristensen	Morrissey	Weihing
Beyer	Goodrich	Labedz	Nelson	Wesely
Byars	Haberman	Lamb	Peterson	Withem
Chambers				

Voting in the negative, 0.

Excused and not voting, 9:

Beck	Johnson, R.	Pirsch	Schimek	Smith
Hall	Moore	Rogers	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 371. With Emergency.

A BILL FOR AN ACT relating to beer distribution; to amend section 87-402, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to prohibit certain acts by suppliers and

wholesalers; to provide for certain notices; to provide requirements for distribution agreements; to provide for applicability; to provide for the enforcement of agreements; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Conway	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Korshoj	McFarland	Scofield
Barrett	Dierks	Kristensen	Moore	Warner
Bernard-Stevens	Elmer	Labedz	Morrissey	Wehrbein
Beyer	Goodrich	Lamb	Nelson	Weihing
Byars	Haberman	Landis	Peterson	Wesely
Chizek	Hartnett	Langford	Robak	Withem

Voting in the negative, 1:

Hall

Present and not voting, 2:

Chambers Hannibal

Excused and not voting, 6:

Beck	Pirsch	Rogers	Schmit	Smith
Johnson, R.				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 592.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and sections 28-416 and 29-2262, Revised Statutes Supplement, 1988; to provide additional felony classifications; to provide additional penalties for possession of controlled substances and cocaine 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, 32:

Abboud	Dierks	Johnson, L.	Lynch	Schellpeper
Ashford	Elmer	Kristensen	McFarland	Scofield
Beyer	Goodrich	Labedz	Moore	Wehrbein
Byars	Haberman	Lamb	Nelson	Weihing
Chizek	Hall	Langford	Peterson	Wesely
Coordsen	Hartnett	Lindsay	Robak	Withem
Crosby	Hefner			

Voting in the negative, 7:

Baack	Bernard-Stevens	Chambers	Korshoj	Morrissey
		Conway	Landis	

Present and not voting, 3:

Barrett	Hannibal	Schimek

Excused and not voting, 7:

Beck	Pirsch	Schmit	Smith	Warner
Johnson, R.	Rogers			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643. With Emergency.

A BILL FOR AN ACT relating to property taxation; to amend section 13-508, Reissue Revised Statutes of Nebraska, 1943; to provide an allowance for estimated tax losses for budgeting purposes

as prescribed; to eliminate provisions relating to suits by railroads concerning valuation of property; to repeal the original section, and also sections 77-619 and 77-620, Revised Statutes Supplement, 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	Chizek	Hannibal	Langford	Robak
Ashford	Conway	Hartnett	Lindsay	Schellpeper
Baack	Coordsen	Hefner	Lynch	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Scofield
Bernard-Stevens	Dierks	Korshoj	Moore	Wehrbein
	Elmer	Kristensen	Morrissey	Weihing
Beyer	Goodrich	Labedz	Nelson	Wesely
Byars	Haberman	Lamb	Peterson	Withem
Chambers	Hall	Landis		

Voting in the negative, 1:

Schmit

Excused and not voting, 6:

Beck	Pirsch	Rogers	Smith	Warner
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 714. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2702, Revised Statutes Supplement, 1988; to redefine terms; to authorize contractors and repairpersons to elect a method of taxation; to prohibit the inclusion of certain amounts in deficiency determinations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Conway	Hartnett	Langford	Robak
Ashford	Coordsen	Hefner	Lindsay	Schellpeper
Baack	Crosby	Johnson, L.	Lynch	Schimek
Barrett	Dierks	Korshoj	McFarland	Schmit
Bernard-Stevens	Elmer	Kristensen	Moore	Scofield
	Goodrich	Labedz	Morrissey	Wehrbein
Beyer	Haberman	Lamb	Nelson	Wesely
Byars	Hall	Landis	Peterson	Withem
Chizek	Hannibal			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Weihing

Excused and not voting, 6:

Beck	Pirsch	Rogers	Smith	Warner
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.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Haberman asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1322
(Amendments to the Standing Committee amendment, AM0887)
1. On page 1, line 1, strike "sections 10 and" and insert "section"; in line 3 strike "10" and insert "11"; in line 11 before the period insert "; and strike beginning with 'personal' in line 15 through line 16 and insert 'diaper which is' "; and in line 13 strike

6 "9" and insert "10".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 643, 592, 371, 77, and 714.

GENERAL FILE

LEGISLATIVE BILL 84. Title read. Considered.

Standing Committee amendment, AM0779, found in the Journal on page 1107 for the Forty-Fourth Day, was considered.

Messrs. Hall, Moore, and Chizek renewed their pending amendment, AM1213, printed separately from the Journal and referred to on page 1530, to the Standing Committee amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

The Hall-Moore-Chizek amendment was adopted with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Messrs. Lamb and Chizek offered the following amendment to the Standing Committee amendment:
FA153
Amend AM1213, On page 6, line 5 strike "July" and show as stricken and insert "September"

The Lamb-Chizek amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Lynch offered the following amendment to the Standing Committee amendment:
AM1211

(Amendments to AM1213)

1. On page 15, line 7, after the first semicolon insert "in line 6 strike 'Commencing' and

insert '(1) Except as provided in subsection (2) of this section, commencing':"; and in line 9 before the semicolon insert "and after the period insert

'(2) Commencing January 1, 1990, each taxpayer who has paid property taxes for the previous tax year and who received incentives under the Employment and Investment Growth Act or payments under a federal or state program providing deficiency payments or other monetary assistance relating to agricultural products during such tax year shall be eligible to receive a rebate of ten percent of the property taxes paid less the amount of the incentives or payments received up to a maximum rebate of two thousand dollars.

(3)'; in line 12 before 'To' insert '(4)'.".

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.

Mr. Lynch withdrew his pending amendment.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Lamb and Chizek renewed their pending amendment, AM1314, found in the Journal on page 1592.

The Lamb-Chizek amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Conway renewed his pending amendment, AM1340, found in the Journal on page 1622.

Mr. Conway withdrew his pending amendment.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Bernard-Stevens	Chizek	Dierks	Hartnett
Ashford	Beyer	Conway	Elmer	Hefner
Baack	Byars	Coordsen	Haberman	Johnson, R.
Barrett		Crosby	Hall	Korshoj

Kristensen	Landis	Morrissey	Schellpeper	Weihing
Labedz	Lindsay	Nelson	Scofield	Wesely
Lamb	Moore	Robak	Wehrbein	Withem

Voting in the negative, 4:

Chambers	Hannibal	McFarland	Warner

Present and not voting, 7:

Goodrich	Langford	Peterson	Schimek	Schmit
Johnson, L.	Lynch			

Excused and not voting, 4:

Beck	Pirsch	Rogers	Smith

Advanced to E & R for Review with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 84A. Title read. Considered.

Messrs. Lamb and Chizek renewed their pending amendment, AM1284, found in the Journal on page 1593.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lamb-Chizek amendment was adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 747. Mr. Hall moved to indefinitely postpone.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 1989, at 10:10 a.m., were the following bills: 77, 371, 592, 643, and 714.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1347

(Amendments to AM1340)

1. On page 1, line 7, strike the new matter and after "percent" insert "or for the period commencing on the effective date of this act through December 31, 1991, if the state General Fund balance reserve referred to in subdivision (1)(b) of section 77-2715.01 during any calendar quarter falls below four percent, the sales tax rate shall be four and one-half percent for the next calendar quarter".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 739. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator R. Johnson's sister-in-law and niece, Sharon and Whitney Yost, from Harvard, Nebraska; Senator Robak's granddaughter, Andrea Robak, and 39 second grade students and teachers from Emerson; 67 fourth grade students and teacher from Schuyler; 33 fourth, fifth, and sixth grade students and teacher from Marquette; 12 third and fourth grade students and teacher from Covenant Christian School, Omaha; and 15 high school students and teacher from Palmer.

RECESS

At 11:59 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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Beck, Pirsch, and Mr. Rogers who were excused; and Mrs. Labedz, Mr. Peterson, and Ms. Scofield who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 739. Title read. Considered.

Standing Committee amendments, AM0778, found in the Journal on page 1092 for the Forty-Fourth Day, were considered.

Mr. McFarland withdrew his pending amendment, AM0844, printed separately from the Journal and referred to on page 1096.

Messrs. Wesely and McFarland offered the following amendment to the Standing Committee amendments:
AM1343

(Amendments to Standing Committee Amendments, AM0778)

1. On page 1, line 1, strike "sections 1 and" and insert "section".

2. Strike original amendments 2 and 3 and insert the following new amendments:

"2. On page 2, line 25, strike '1.87', show as stricken, and insert '2.06'.

3. On page 6, line 24, strike the comma and insert 'and'; and in line 25 strike 'and 77-2716.01,'.".

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.

Mr. Wesely requested a record vote on the Wesely-McFarland amendment.

Voting in the affirmative, 15:

Chambers	Johnson, R.	Lynch	Nelson	Schimek
Dierks	Korshoj	McFarland	Robak	Smith
Hall	Landis	Morrissey	Schellpeper	Wesely

Voting in the negative, 25:

Abboud	Barrett	Byars	Conway	Crosby
Ashford	Beyer	Chizek	Coordsen	Elmer

Goodrich	Hefner	Labedz	Moore	Wehrbein
Haberman	Johnson, L.	Lamb	Schmit	Weihing
Hannibal	Kristensen	Langford	Warner	Withem

Present and not voting, 4:

Baack	Bernard-Stevens	Hartnett	Lindsay

Excused and not voting, 5:

Beck	Peterson	Pirsch	Rogers	Scofield

The Wesely-McFarland amendment lost with 15 ayes, 25 nays, 4 present and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendments to LB 767 in the Journal. No objections. So ordered.

(1)

AM1267

(Amendments to the Standing Committee amendments, AM0811)

1. Insert the following new section:

"Sec. 57. (1) Except in accordance with a proper judicial order or as otherwise provided by this section or other law, it shall be a Class I misdemeanor for the Tax Commissioner or any employee or agent of the Tax Commissioner to make known, in any manner whatsoever, the contents of any reports or records submitted by a licensed manufacturer-distributor to the department pursuant to the Nebraska County and City Lottery Act and any rules and regulations adopted and promulgated pursuant to such act.

(2) Nothing in this section shall be construed to prohibit (a) the delivery to a licensee, his or her duly authorized representative, or his or her successors, receivers, trustees, executors, administrators, assignees, or guarantors, if directly interested, of a certified copy of any report or record, (b) the publication of statistics so classified as to prevent the identification of particular reports or

records, (c) the inspection by the Attorney General, a county attorney, or other legal representative of the state of reports or records submitted by a licensed manufacturer-distributor when information on the reports or records is considered by the Attorney General, county attorney, or other legal representative to be relevant to any action or proceeding instituted by the licensee or against whom an action or proceeding is being considered or has been commenced by any state agency or county, (d) the furnishing of any information to the United States Government or to states allowing similar privileges to the Tax Commissioner, (e) the disclosure of information and records to a collection agency contracting with the Tax Commissioner for the collection of delinquent taxes under the Nebraska County and City Lottery Act, (f) the publication or disclosure of final administrative opinions and orders made by the Tax Commissioner in the adjudication of license denials, suspensions, cancellations, or revocations or the imposition of fines, (g) the release of any application filed with the department to obtain a license to conduct activities under the act, which application shall be deemed a public record, or (h) the release of any report filed by a licensed county, city, village, or lottery operator pursuant to the act, which report shall be deemed a public record.

(3) Nothing in this section shall prohibit the Tax Commissioner or any employee or agent of the Tax Commissioner from making known the names of persons, firms, or corporations licensed to conduct activities under the act, the locations at which such activities are conducted by licensees, or the dates on which such licenses were issued.

(4) Notwithstanding the provisions of subsection (1) of this section, the Tax Commissioner may permit the Postal Inspector of the United States Postal Service or his or her delegates to inspect reports or records submitted by a licensed manufacturer-distributor pursuant to the act when information on the reports or records is relevant to any action or proceeding instituted or being considered by the United States Postal Service against such person for the fraudulent use of the mails to carry and deliver false and fraudulent tax returns to the Tax Commissioner with the

intent to defraud the State of Nebraska or to evade the payment of Nebraska state taxes.

(5) Notwithstanding the provisions of subsection (1) of this section, the Tax Commissioner may permit the other tax officials of this state to inspect reports or records submitted pursuant to the act, but such inspection shall be permitted only for purposes of enforcing a tax law and only to the extent and under the conditions prescribed by the rules and regulations of the Tax Commissioner.".

2. On page 16, line 13, after "a" insert "prize"; and in line 14 strike "prize" and insert "by the manufacturer".

3. On page 22, line 14, strike "and 56" and insert "56, and 57".

4. On page 30, strike beginning with "Prior" in line 13 through line 17 and insert "No county, city, village, or lottery operator shall conduct a lottery without having first been issued a license by the department. An applicant for such license shall apply on a form prescribed by the department.".

5. On page 37, line 8, strike "opened" and insert "scraped or rubbed through".

6. Renumber the remaining sections accordingly.

(2)

AM1274

(Amendments to the Standing Committee amendments, AM0811)

1. Insert the following new sections:

"Sec. 59. That original sections 9-1,101, 9-340.02, 9-347, 9-347.01, 9-348, and 9-348.01, Revised Statutes Supplement, 1988, are repealed.

Sec. 60. 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 16, line 22, strike "Not", show as stricken, and insert "Commencing on and after October 1, 1989, not".

3. On page 57, line 3, strike "This" and insert "Sections 1, 9, 12 to 15, 57, and 59 of this act shall become operative on July 1, 1989. The other sections of this"; in line 8 strike "9-1,101," and before "9-340" insert "and"; in line 9 strike

"9-340.02,"; and strike beginning with "9-347" in line 9 through the first comma in line 10.

(3)

AM1275
(Amendments to the Standing Committee amendments, AM0811)
1. On page 43, line 11, strike "local".

(4)

AM1276
(Amendments to the Standing Committee amendments, AM0811)
1. On page 51, line 20, strike "two", show as stricken, and insert "three".

(5)

AM1277
(Amendments to the Standing Committee amendments, AM0811)
1. Strike section 49.
2. On page 22, line 4, strike "51, 53, 54, and 56" and insert "50, 52, 53, and 55".
3. On page 29, strike beginning with "Except" in line 6 through "any" in line 7 and insert "Any".
4. On page 37, line 2, strike "53" and insert "52".
5. On page 38, line 4, strike "53" and insert "52".
6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 739. The Standing Committee amendments, AM0778, found in the Journal on page 1092 for the Forty-Fourth Day and considered in this day's Journal, were renewed.

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.

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 the Standing Committee amendments.

Voting in the affirmative, 15:

Chambers	Hall	Landis	Morrissey	Schellpeper
Chizek	Hartnett	Lindsay	Nelson	Schimek
Dierks	Korshoj	Lynch	Robak	Withem

Voting in the negative, 27:

Abboud	Beyer	Goodrich	Labedz	Schmit
Ashford	Byars	Haberman	Lamb	Smith
Baack	Conway	Hannibal	Langford	Warner
Barrett	Coordsen	Hefner	Moore	Wehrbein
Bernard-Stevens	Crosby	Johnson, L.	Peterson	Weihing
	Elmer	Kristensen		

Present and not voting, 4:

Johnson, R.	McFarland	Scofield	Wesely

Excused and not voting, 3:

Beck	Pirsch	Rogers

The Standing Committee amendments lost with 15 ayes, 27 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Wednesday, May 3, 1989 1:00 p.m.
Christine M. Harris - State Personnel Board

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

AM1350
1. Strike the Warner, Kristensen, and Langford amendment, AM1114.

Mr. Chambers asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1339.)

Mr. McFarland asked unanimous consent to print the following amendment to LB 811 in the Journal. No objections. So ordered.

AM1348
1. On page 3, after line 5, insert:
"Claim No. 027, against the Department of Correctional Services, pay to Barbara Shaw, c/o Thom Cope, Attorney, 211 No. 12th St., Suite 400, Lincoln, Nebraska, 68508, out of the Department of Correctional Services Facility Cash Fund 1,133.67"

Mr. Landis asked unanimous consent to print the following amendment to LB 272 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1174.)

GENERAL FILE

LEGISLATIVE BILL 739. Considered.

Messrs. Lynch and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland renewed his pending amendment, AM0819, found in the Journal on page 1096.

Mr. McFarland withdrew his pending amendment.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
FA154
1. On page 2, line 25, strike the second "1.87" and insert "2.06"
2. On page 5, line 22, strike "one hundred eighty" and insert "four hundred".

Mr. Wesely withdrew his pending amendment.

Mr. Hall offered the following amendment:
FA155
1. On page 4, line 12 reinsert stricken language

Mr. McFarland 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 28 ayes, 1 nay, and 20 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Ashford	Chizek	Landis	Nelson	Scofield
Baack	Conway	Lindsay	Peterson	Smith
Barrett	Dierks	McFarland	Robak	Weihing
Bernard-Stevens	Hall	Moore	Schellpeper	Wesely
Chambers	Korshoj	Morrissey	Schimek	Withem
	Kristensen			

Voting in the negative, 15:

Abboud	Coordsen	Haberman	Johnson, L.	Langford
Beyer	Crosby	Hannibal	Labedz	Warner
Byars	Goodrich	Hefner	Lamb	Wehrbein

Present and not voting, 1:

Elmer

Excused and not voting, 7:

Beck	Johnson, R.	Pirsch	Rogers	Schmit
Hartnett	Lynch			

The Hall amendment was adopted with 26 ayes, 15 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Hannibal requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Beyer	Elmer	Kristensen	Smith
Ashford	Byars	Goodrich	Labedz	Warner
Baack	Conway	Haberman	Lamb	Wehrbein
Barrett	Coordsen	Hannibal	Langford	Weihing
Bernard-Stevens	Crosby	Hefner	Moore	Wesely
	Dierks	Johnson, L.	Peterson	

Voting in the negative, 11:

Chambers	Korshoj	Lindsay	Morrissey	Robak
Chizek	Landis	McFarland	Nelson	Schimek
Hall				

Present and not voting, 3:

Schellpeper	Scofield	Withem

Excused and not voting, 7:

Beck	Johnson, R.	Pirsch	Rogers	Schmit
Hartnett	Lynch			

Advanced to E & R for Review with 28 ayes, 11 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 739A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1246

1. Strike original section 16 and insert the following new section:

"Sec. 16. For the purpose of the determination of reviewability of the acquisition of any asset, the cost shall be the cost of the asset if purchased.".

2. On page 6, line 20 strike "five", show as stricken, and insert "two".

3. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "fifty thousand dollars".

4. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:

"The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open-heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;

(c) Positron emission tomography;

(d) Magnetic resonance imaging, whether a fixed or mobile unit;

(e) Therapeutic radiology;

(f) Chronic renal dialysis;

(g) Extracorporeal shock wave;

(h) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(i) Ambulatory surgical center; or

(9)"; and in line 20 strike "(7)" and insert "(8)".

5. On page 28, line 21, strike "or"; and in line 23 after "equipment" insert "; or

(8) Axial computerized tomography, whether a fixed or mobile unit".

6. On page 31, line 22, after "proposal" insert "upon the written request of an applicant that such applicant's application be subject to comparative

review. Such written request shall be filed with the department within fifteen days of the publication of the original notice of intent".

7. On page 37, line 22, after the first comma insert "or of its own volition,".

8. On page 38, line 3, after "request" insert "or decision of the department to hold a public meeting"; and in line 5 after "71-5838" insert ", and such meeting shall be held no later than ten days after such request or decision and upon five days' notice".

Mr. Wesely asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1361

1. On page 2, line 25, strike the second "1.87", show as stricken, and insert "2.06".

2. On page 5, line 22, strike "one hundred eighty" and insert "four hundred".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 506.

Correctly Engrossed

The following bills were correctly engrossed: 44, 44A, 47, 66, 285, 285A, 361, 361A, 372, 401, 546, 548, 582, 582A, 608, 637, 777, and 790.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 66

The following changes, required to be reported for publication in the Journal, have been made:

ER6155

1. On page 1, line 1, "the filing of documents" has been struck and "filing and payment requirements" inserted; and in line 4 "and payments" has been inserted after "filings".

Enrollment and Review Changes to LB 285

The following changes, required to be reported for publication in the Journal, have been made:
ER6152

1. For purposes of correlation with section 1, LB 114, original section 137 and all amendments thereto have been struck and the following new section inserted:

"Sec. 138. That section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

60-2802. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, an all-terrain vehicle shall not be operated on any public street, road, or highway of this state. The crossing of any interstate or limited-access highway shall not be permitted.

(2) The crossing of a public street, road, or highway shall be permitted only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the street, road, or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another public street, road, or highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(3) All-terrain vehicles may be operated on a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes. Any person operating an all-terrain vehicle on a public street, road, or highway shall have a valid motor vehicle operator's license or a ~~special~~ farm permit as provided in ~~subsection (5) of section 60-407~~ section 76 of this act and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a public street, road, or highway, the headlight and taillight of the vehicle shall be on, and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) All-terrain vehicles may be operated on public streets, roads, and highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of such vehicles pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.".

2. In the E & R amendments, AM5092:

a. Amendment 1.e. has been struck;

b. On page 3, the matter beginning with the comma in line 8 through the comma in line 9 and all amendments thereto have been struck and the old matter shown as stricken; and the matter beginning with the comma in line 18 through the comma in line 19 and all amendments thereto have been struck and the old matter shown as stricken;

c. On page 6, the matter beginning with "in" in line 21 through the semicolon in line 22 has been struck;

d. On page 7, line 5, "section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989," has been inserted after the third comma; and in line 12 "abstracts of conviction," and the second comma have been struck;

e. On page 11, the matter beginning with the semicolon in line 9 through "stricken" in line 10 has been struck; and

f. On page 18, line 15, "section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989," has been inserted after the last comma.

3. In the Standing Committee amendments, AM0670, on page 11, the matter beginning with the semicolon in line 18 through the last quotation marks in line 19 has been struck.

4. On page 2, line 1, "60-2802," has been struck.

5. On page 58, line 1, "All" has been struck and "Except as provided in section 85 of this act, all" inserted.

6. On page 89, line 6, "such" has been inserted after "in" and "63 of this act" and all amendments thereto have been struck.

7. On page 107, line 13, "proof of" has been inserted after "furnish".

8. On page 109, line 12, "at least" has been inserted after "is".

9. On page 119, line 12, "the" has been inserted after "If".

10. On page 121, line 12, "purpose" has been struck and "purposes" inserted; and in line 13 "is" has been struck and "are" inserted.

11. On page 139, line 16, "to be" has been struck.

12. On page 186, line 15, "60-2802," has been struck.

13. On page 148, line 23, "such" has been inserted after "in" and "114 of this act" and all amendments thereto have been struck.

Enrollment and Review Change to LB 361

The following changes, required to be reported for publication in the Journal, have been made:
ER6153

1. In the Landis amendment, AM0578, on page 1, line 3, "as defined in section 77-1359" has been inserted after "land".

2. In the E & R Amendment, AM5068, on page 9, line 3, "redefine" has been struck and "change provisions relating to" inserted.

3. On page 1, line 6, "; to state legislative findings; to provide duties for the Tax Commissioner" has been inserted after "1988" and "to define and redefine terms;" has been inserted before "to".

4. On page 2, line 2, "change provisions relating to the" has been struck and "to eliminate a duty" inserted; in line 3 "duties" has been struck; in line 4 "; to provide for adjustments to the valuation of property as prescribed" has been inserted after "Board"; and in line 6 "to provide severability;" has been inserted after the semicolon.

5. On page 7, the matter beginning with "and" in line 12 through "act" in line 13 and all amendments thereto has been struck.

6. On page 17, line 16, "as defined in section 77-1359" has been inserted after "land".

Enrollment and Review Change to LB 372

The following changes, required to be reported for publication in the Journal, have been made:
ER6156

1. In the E & R amendments, AM7026, on page 1, line 15, the comma has been struck.

2. On page 11, line 9, an underscored comma has been inserted after "circulate" and the last comma has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 26 fourth grade students and teacher from Lincoln Christian School, Lincoln; and 3 students and sponsors from Milford and Stromsburg.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-FIRST LEGISLATURE
FIRST SESSION

1989

Convened January 4, 1989 Adjourned May 24, 1989

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

SIXTY-FOURTH DAY - APRIL 12, 1989

LEGISLATIVE JOURNAL

SIXTY-FOURTH DAY - APRIL 12, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Wendall Conover, Executive Director, Fellowship of Christian Athletes, Milford, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Beck who was excused; and Messrs. Abboud, Dierks, Elmer, Hall, Kristensen, Landis, Moore, Morrissey, Rogers, Schmit, Warner, Mmes. Labedz, Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 74.

MOTION - Place LB 642 on General File

Mr. Ashford renewed his pending motion, found in the Journal on page 1554, to place LB 642 on General File pursuant to Rule 3, Section 19.

MR. LAMB PRESIDING

Mr. Ashford withdrew his pending motion to place LB 642 on General File.

GENERAL FILE

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendments, AM0814, found in the Journal on page 1116 for the Forty-Fifth Day, were adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 575A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 330. Title read. Considered.

Standing Committee amendments, AM0387, found in the Journal on page 1131 for the Forty-Fifth Day, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SPEAKER BARRETT PRESIDING

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.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments, AM0684)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1341.)

GENERAL FILE

LEGISLATIVE BILL 586. Title read. Considered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0640, found in the Journal on page 1138 for the Forty-Fifth Day, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 586.

Messrs. Hannibal and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Chambers motion to indefinitely postpone lost with 3 ayes, 22 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Elmer and Lynch 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.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Chizek	Johnson, L.	Moore	Schmit
Baack	Coordsen	Kristensen	Morrissey	Smith
Barrett	Crosby	Labedz	Nelson	Warner
Bernard-Stevens	Dierks	Lamb	Peterson	Wehrbein
Beyer	Goodrich	Landis	Pirsch	Weihing
Byars	Hall	Langford	Robak	Withem
	Hefner	McFarland		

Voting in the negative, 2:

Chambers Lindsay

Present and not voting, 8:

Conway	Johnson, R.	Schellpeper	Scofield	Wesely
Haberman	Korshoj	Schimek		

Excused and not voting, 7:

Abboud	Elmer	Hartnett	Lynch	Rogers
Beck	Hannibal			

Advanced to E & R for Review with 32 ayes, 2 nays, 8 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 211. Placed on General File.

LEGISLATIVE BILL 642. Placed on General File as amended.
Standing Committee amendment to LB 642:
AM1368

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article I, section 1, which is hereby proposed by the Legislature:

CI-1 'All persons are by nature free and independent; and have certain inherent and inalienable rights; among these are life, liberty, and the pursuit of happiness. ~~; and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof.~~ To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.'.

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

'A constitutional amendment to remove provisions governing the right to keep and bear arms from the Constitution.

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.".

(Signed) Jerry Chizek, Chairperson

PROPOSED RULE CHANGE

Mr. Korshoj asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 4 to read as follows:
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 vote of the members voting ~~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.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens and Ms. Schimek asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1365

1. Insert the following new section:

"Sec. 8. The Legislature hereby finds that completion of high school education is a positive factor in realizing an increasingly productive, independent citizenry. The Legislature further finds that pregnant and parenting youth under nineteen years of age are especially at risk in completing their high school education.

To address such concerns with the education of pregnant and parenting youth under nineteen years of age the Legislature declares it to be the policy and intent of the State of Nebraska that public schools be responsible for paying for child care and for making it available during regular classroom hours at no cost to pregnant or parenting students under nineteen years of age or the parents of such students. The availability and expense of such child care shall be the responsibility of the public school district such pregnant or parenting student attends.".

2. On page 2, line 1; page 4, line 19; page 5, lines 8, 23, and 25; and page 6, lines 3 and 7, before "this" insert "sections 1 to 7 of".

3. In the Standing Committee amendments, AM1035, on page 2, lines 13 and 22, before "this" insert "sections 1 to 7 of".

4. Renumber remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS
General Affairs

Governor Appointments Tuesday, May 9, 1989 1:00 p.m.
Nebraska Arts Council
Pauline M. Dye
J. Robert Duncan

(Signed) Jacklyn Smith, Chairperson

Business and Labor

Governor Appointment Tuesday, April 25, 1989 1:00 p.m.
Boiler Safety Code Advisory Board
Gerald H. Stolze

(Signed) George Coordsen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 767A. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Ninety-first Legislature, First Session, 1989.

VISITORS

Visitors to the Chamber were 31 fourth grade students and teacher from Homer Community School; 27 fourth grade students and teacher from St. Joseph's School, York; 13 seniors and sponsor from Silver Creek; and 41 eighth grade students and teacher from Mary Our Queen School, Omaha.

RECESS

At 11:59 a.m., on a motion by Mr. Peterson, 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 Mmes. Beck and Pirsch who were excused; and Messrs. Ashford, Conway, R. Johnson, Lamb, Landis, McFarland, Schmit, Warner, and Mrs. Nelson who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 89034

DATE: April 11, 1989

SUBJECT: LB 182

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
A. Eugene Crump, Deputy Attorney General

QUESTION: Do the provisions in LB 182 providing the juvenile courts with authority to order a specific placement of juveniles committed to the Department of Social Services with costs to be borne by the Department create a constitutional problem?
CONCLUSION: Yes. In our opinion the provisions would be constitutionally suspect from the standpoint of separation of powers.

This is in response to your request for an opinion concerning the constitutionality of LB 182. You were concerned about the provisions in the bill which allow the Juvenile Courts to order the Department of Social Services to provide specific placement or care to the juveniles who are committed to it and to pay for the costs of all such placement, care, and treatment. You expressed concern about the courts having access to the state treasury and having authority to direct the operations of an executive branch agency.

Section 1 and Section 2(1) provide for a Juvenile Review Panel consisting of three county or juvenile judges appointed by the Supreme Court after a request from a county or separate juvenile court when a court orders a plan different than the plan prepared by the Department of Social Services. Pursuant to Section 5 the panel shall review the disposition of the court de novo on the record. The panel may then modify the court ordered plan, the department's plan, or the probation officer's plan or may substitute the department's

plan or probation officer's plan for the court ordered plan and remand the case back to the court with directions to implement such plan. Section 5 provides that review shall not stay the order under consideration, and the order shall be final and binding except that the decision may be appealed.

The Nebraska Supreme Court has already addressed the issue in a similar context. This office represented the Department of Social Services in a successful appeal which resulted in the holding in In Re Interest of G.B., M.B., and T.B., 227 Neb. 512, 418 N.W.2d 258 (1988). In that case the Supreme Court did not find it necessary to rule on the constitutionality of a juvenile court's actions as the court found that the juvenile court was unauthorized to place a child in the Department's custody and then specify placement under Neb.Rev.Stat.§43-247(3) in its current or present form.

LB 182 seeks to change the authority of the Department over juveniles in its custody. Briefly, the bill will allow juvenile courts to determine development plans for these juveniles. These "court ordered plans" shall be subject to de novo review by a panel of three judges. They may only modify the plan if they find clear, convincing evidence that the plan is not in the juvenile's best interest. Thus, it would appear that this is an amendment to remedy or circumvent the Supreme Court's previous ruling cited above.

This bill raises an issue of separation of powers in light of Scotts v. State ex rel., Board of Nursing, 196 Neb. 682, 244 N.W.2d 683 (1976). There the Supreme Court dealt with the statute authorizing the District Court to substitute its own judgment for that of the Board of Nursing concerning the licensing of a nurse. The District Court concluded as a matter of law that the applicant's acts and omissions did not constitute unprofessional conduct, contrary to the Board's finding. The Supreme Court held that the District Court was in violation of separation of powers;

> A Statute which purports to give the court the power to review an exercise of legislative power de novo in the sense that the court may substitute its own judgment for that of the administrative agency to which the Legislature has appropriately delegated the power is unconstitutional. (p. 688).

Judicial infringement on the executive functions of a Social Services Department was addressed in Lorie C. v. St. Lawrence County Department of Social Services, 49 N.Y.2d 161, 400 N.E.2d 336 (1980). There the court ordered plan, although similar to what is authorized under LB 182, was found to be beyond the court's authority "because it establishes general overview of the function of the Department of Social Services, because it denigrates from the functions allocated by the Legislature to the Department of Social

Services and because . . to hold otherwise would raise serious questions concerning the constitutionality of the section" (p. 341). The section in Lorie, supra, authorized the court to do those things necessary in rendering "assistance and cooperation" to the Department of Social Services.

Language from that case is of interest here.

> . . . the first question to be answered is not whose plan is best, but in what branch of the Government is lodged the authority to initially devise the plan. . . .
>
> A related but more important reason is the principle several times declared by us in recent years that courts do not normally have overview of the lawful acts of appointive and elective officials involving questions of judgment, discretion, allocation of resources and priorities.

Id. at 341.

Although the language of the section was not as broad as LB 182, the court still sought to substitute its judgment for the judgment of the Department, and the case did address the constitutionality of the act.

The impact of such a function being performed by a court was noted In the Matter of J.J., 431 A.2d 587 (D.C. 8 App. 1981). There the Family Division Court was found to have appropriated the custody and supervision function of the Department of Social Services upon ordering the Department to pay for the juvenile's expenses without placing the juvenile in the Department's custody. The effect would be similar under LB 182 in that the agency would be left "to do nothing more than pay the bills." In doing so the court attempted to combine judicial and administrative roles, that under our tripartite system of government, must be kept separate" (p. 593). It would follow that this reasoning would militate against such court ordered plans of service, treatment, and placement.

Although LB 182 does remove specific authority from the Department in regard to placement and treatment the fact remains that the Department is the principal resource alternative of the juvenile courts. The Department is charged with the responsibility of funding the placement and treatment of each child committed to it. This is an executive function that is limited by the proposed legislation. It would appear to us that the practical result would be the judicial branch actually making discretionary decisions for an executive agency and would, therefore, be suspect under the Constitution of the United States and the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) A. Eugene Crump
Deputy Attorney General

15-631-4
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendments, AM0863, found in the Journal on page 1144 for the Forty-Fifth Day, were adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Wesely moved to indefinitely postpone LB 182.

Mr. Wesely withdrew his pending motion to indefinitely postpone.

Mrs. Smith offered the following amendment:
FA156

To amend LB 182:

1. On page 3, line 17, strike beginning with "three" through the period in line 25, and insert "six members appointed by the Governor and confirmed by the legislature. The membership shall include a judge, county attorney, psychiatrist, social worker, clinical psychologist, and a citizen-at-large. The board shall elect a chairman from its membership annually."

2. On page 4 strike all of line 1 through line 10.

3. On page 5, line 4, strike beginning with the second "the" through the period and insert "chairman of the juvenile review panel appointed in section 2."

Ms. Schimek and Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Smith withdrew her pending amendment.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for Review with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Standing Committee amendments, AM0887, found in the Journal on page 1155 for the Forty-Sixth Day, were considered.

Mr. Hefner offered the following amendment to the Standing Committee amendments:
AM1349
(Amendments to Standing Committee amendments, AM0887)

1. Strike amendments 1 through 5 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Degradable Products Act.

Sec. 2. For purposes of the Degradable Products Act, the definitions found in sections 3 to 7 shall be used.

Sec. 3. Biodegradable shall mean degradable through a process by which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds.

Sec. 4. Degradable shall mean capable of decomposing or deteriorating through a natural chemical process into harmless components after exposure to natural elements for not more than one year.

Sec. 5. Photodegradable shall mean degradable through a process in which ultraviolet radiation in sunlight causes a chemical change in a material.

Sec. 6. Recyclable shall mean suitable for any process of separating, cleaning, treating, and reconstituting waste or other discarded materials for the purpose of recovering or reusing the resources contained therein.

Sec. 7. Retail shall mean sale for use or consumption and not for resale in any form.

Sec. 8. On and after January 1, 1991, a person shall not sell or offer for sale at retail any beverage for human consumption, if the beverage container is connected to another beverage container by a device which is constructed of a material which is not biodegradable or photodegradable.

Sec. 9. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for grass clippings, garbage, yard waste, or leaves which is constructed of a material which is not biodegradable or photodegradable.

Sec. 10. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for groceries or shopping which is not constructed of a material which is not biodegradable, photodegradable, or recyclable.

Sec. 11. On and after January 1, 1993, a person shall not sell or offer for sale at retail any disposable diaper which is constructed of a material which is not biodegradable or photodegradable, if the Director of Environmental Control determines that biodegradable or photodegradable disposable diapers are readily available at a comparable price and quality. The director shall issue his or her determination to the Legislature on or before October 1, 1992. For purposes of this section, readily available shall mean available for purchase in sufficient quantities to meet demand through usual retail channels throughout the state and comparable price and quality shall mean at a cost not in excess of five percent above the average price for products of comparable quality which are not biodegradable or photodegradable.

Sec. 12. Any person violating sections 8 to 11 of this act shall be guilty of a Class III misdemeanor.'.".

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 586A. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 586, Ninety-first Legislature, First Session, 1989.

NOTICE OF COMMITTEE HEARING

Rules

Your Committee on Rules whose chairperson is Senator Dan Lynch gives notice of Public Hearing in room 1520 for the following proposed rule change:
Thursday, April 20, 1989 8:30 a.m.
Korshoj, Amend Rule 7, Sec. 4

(Signed) Dan Lynch, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 392 and 482.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 392

The following changes, required to be reported for publication in the Journal, have been made:
ER6157
1. On page 1, line 3, "or the equivalent thereof" has been inserted after "work".

Enrollment and Review Changes to LB 482

The following changes, required to be reported for publication in the Journal, have been made:
ER6160
1. On page 17, line 5, the first comma has been reinstated.
2. On page 81, line 24, "the" has been inserted after "of".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1372

(Amendments to Standing Committee amendments, AM1035)

1. On page 3, line 9, after the semicolon insert "in line 8 strike 'both parents' and insert 'one parent'; strike beginning with 'if' in line 9 through the comma in line 12;".

Mrs. Smith asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1379

(Amendments to the Standing Committee amendments, AM0811)

1. Strike section 49.

2. On page 22, line 14, strike "51, 53, 54, and 56" and insert "50, 52, 53, and 55".

3. On page 29, strike beginning with "Except" in line 6 through "any" in line 7 and insert "Any".

4. On page 37, line 2, strike "53" and insert "52".

5. On page 38, line 4, strike "53" and insert "52".

6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 325. The pending Hefner amendment, AM1349, to the Standing Committee amendments, was renewed.

Mr. Schmit requested a division of the question on the Hefner amendment.

The Chair sustained the division of the question.

The first Hefner amendment, to the Standing Committee amendments, is as follows:

FA157

(Amendments to Standing Committee amendments, AM0887)

1. Strike amendments 1 through 5 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Degradable

Products Act.

Sec. 2. For purposes of the Degradable Products Act, the definitions found in sections 3 to 7 shall be used.

Sec. 3. Biodegradable shall mean degradable through a process by which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds.

Sec. 4. Degradable shall mean capable of decomposing or deteriorating through a natural chemical process into harmless components after exposure to natural elements for not more than one year.

Sec. 5. Photodegradable shall mean degradable through a process in which ultraviolet radiation in sunlight causes a chemical change in a material.

Sec. 6. Recyclable shall mean suitable for any process of separating, cleaning, treating, and reconstituting waste or other discarded materials for the purpose of recovering or reusing the resources contained therein.

Sec. 7. Retail shall mean sale for use or consumption and not for resale in any form.

Sec. 8. On and after January 1, 1991, a person shall not sell or offer for sale at retail any beverage for human consumption, if the beverage container is connected to another beverage container by a device which is constructed of a material which is not biodegradable or photodegradable.

Sec. 9. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for grass clippings, garbage, yard waste, or leaves which is constructed of a material which is not biodegradable or photodegradable.

Sec. 10. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for groceries or shopping which is not constructed of a material which is not biodegradable, photodegradable, or recyclable.

Sec. 12. Any person violating sections 8 to 11 of this act shall be guilty of a Class III misdemeanor.'.".

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lindsay asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The first Hefner amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The second Hefner amendment, to the Standing Committee amendments, is as follows:

FA158

Sec. 11. On and after January 1, 1993, a person shall not sell or offer for sale at retail any disposable diaper which is constructed of a material which is not biodegradable or photodegradable, if the Director of Environmental Control determines that biodegradable or photodegradable disposable diapers are readily available at a comparable price and quality. The director shall issue his or her determination to the Legislature on or before October 1, 1992. For purposes of this section, readily available shall mean available for purchase in sufficient quantities to meet demand through usual retail channels throughout the state and comparable price and quality shall mean at a cost not in excess of five percent above the average price for products of comparable quality which are not biodegradable or photodegradable.

MR. LAMB PRESIDING

SPEAKER BARRETT PRESIDING

Mrs. Robak and Mr. Ashford asked unanimous consent to be excused. 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.

The second Hefner amendment was adopted with 21 ayes, 9 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Hefner withdrew his pending amendments: (1) AM0979, (2) AM1295, and (3) AM0980, found in the Journal on pages 1570 and 1571.

Messrs. Hall and Haberman withdrew their pending amendment, AM1322, found in the Journal on page 1634.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments, as amended, were adopted with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 99, 135, 206, 228, 228A, 323, 324, 381, 423, 487, 487A, 508, 509, 605, 627, 669, 722, and 793.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 99

The following changes, required to be reported for publication in the Journal, have been made:
ER6161

1. On page 19, line 13; and page 48, line 13, "certified" has been struck and "certificated" inserted.
2. On page 38, line 13, an underscored colon has been inserted after "if".
3. On page 63, in lines 21 and 23 an underscored comma has been inserted after "party"; and in lines 22 and 24 an underscored comma has been inserted after "intermediary".

4. On page 100, line 3, "include" has been struck, shown as stricken, and "includes" inserted.

5. On page 101, line 7, an underscored comma has been inserted after "railway".

6. On page 104, line 11; and page 105, line 17, "or" has been inserted after the semicolon.

Enrollment and Review Change to LB 135

The following changes, required to be reported for publication in the Journal, have been made:
ER6159

1. On page 2, line 11, "per year" has been inserted after "dollars".

Enrollment and Review Change to LB 323

The following changes, required to be reported for publication in the Journal, have been made:
ER6158

1. On page 1, line 6, "for the Board of" has been struck and "as prescribed; to provide for statutory construction" inserted; and in line 7 "Examiners in Optometry" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 325. No objections. So ordered.

VISITORS

Visitors to the Chamber were John Morrison, Emil Fout, and Bill Bodroza from Dawson County; 47 guests from Iowa; 12 ninth through twelfth grade students and principal from Norris High School; 44 fourth grade students and teachers from Grant Elementary, Norfolk; and Senator Rod Johnson's brother, Nick Johnson, from Sutton.

ADJOURNMENT

At 4:58 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 13, 1989

LEGISLATIVE JOURNAL

SIXTY-FIFTH DAY - APRIL 13, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 13, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Curtis Liesveld, Hope Reformed Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Morrissey who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Conway, Haberman, Hannibal, R. Johnson, Landis, Moore, Schmit, Warner, Mmes. Beck, Labedz, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

MESSAGES FROM THE GOVERNOR

March 10, 1989

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: Ronald K. Woodle, 218 Bellevue Blvd. South, Bellevue, NE 68005, (402) 291-1614.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 7, 1989

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: Mary Cabela, 920 Maple, Sidney, NE 69162, (308) 254-4990.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM1088

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 23. Sections 1 to 17, 19 to 22, and 24 of this act shall become operative on July 1, 1991. The other sections of this act shall become operative on their effective date.".

2. On page 2, line 1, after the second semicolon insert "to provide operative dates;".

3. On page 5, line 2, strike "1990-91" and insert "1991-92"; in line 6 strike "1991-92" and insert "1992-93"; in line 14 strike "1992-93" and insert "1993-94"; and in line 22 strike "1993-94" and insert "1994-95".

4. On page 13, line 4, strike "1991" and insert "1992"; and in line 5 strike "1995" and insert "1996".

5. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 247A. 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 651A. 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 603. Title read. Considered.

Standing Committee amendments, AM0805, found in the Journal on page 1157 for the Forty-Sixth Day, were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 603A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendments, AM0811, printed separately from the Journal and referred to on page 1187 for the Forty-Seventh Day, were considered.

Mrs. Smith offered the following amendment to the Standing Committee amendments:
(Amendment on file in the Clerk's Office - Room 2018 - AM1266.)

The Smith amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Smith renewed her pending amendment (1), AM1267, found in the Journal on page 1640, to the Standing Committee amendments.

The Smith amendment was adopted with 23 ayes, 0 nays, 17 present and not voting, and 9 excused and not voting.

Mrs. Smith renewed her pending amendment (2), AM1274, found in the Journal on page 1642, to the Standing Committee amendments.

The Smith amendment was adopted with 23 ayes, 0 nays, 17 present and not voting, and 9 excused and not voting.

Mrs. Smith renewed her pending amendment (3), AM1275, found in the Journal on page 1643, to the Standing Committee amendments.

The Smith amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Smith renewed her pending amendment (4), AM1276, found in the Journal on page 1643, to the Standing Committee amendments.

Mr. Hefner 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.

Mrs. Smith moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Barrett	Coordsen	Johnson, R.	Peterson	Smith
Bernard-Stevens	Elmer	Lamb	Pirsch	Wehrbein
Beyer	Haberman	Landis	Rogers	Wesely
	Johnson, L.	Langford	Schimek	

Voting in the negative, 21:

Baack	Crosby	Hartnett	Lynch	Schmit
Beck	Goodrich	Korshoj	Moore	Scofield
Byars	Hall	Kristensen	Robak	Weihing
Chizek	Hannibal	Lindsay	Schellpeper	Withem
Conway				

Present and not voting, 4:

Dierks	Labedz	McFarland	Nelson

Excused and not voting, 6:

Abboud	Chambers	Hefner	Morrissey	Warner
Ashford				

The Smith amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment to the Standing Committee amendments:
FA159
1. On page 24, lines 9 to 24, and page 25, lines 1 to 15, strike the new language and reinstate the stricken language.
2. On page 26, strike lines 5 to 15.

Messrs. Lamb and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Mr. Hall offered the following amendment to the Standing Committee amendments:
FA160
1. On page 1, line 20, strike "Thirty" and insert "Thirty-five".
2. On page 2, line 7, strike "seventy" and insert "sixty-five"; on line 8, strike "thirty" and insert "thirty-five".

The Hall amendment was adopted with 21 ayes, 0 nays, 21 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Smith withdrew her pending amendment (5), AM1277, found in the Journal on page 1643.

Mrs. Smith renewed her pending amendment, AM1379, found in the Journal on page 1668.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Smith amendment lost with 0 ayes, 23 nays, 18 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Haberman and Korshoj asked unanimous consent to print the following amendment to LB 506 in the Journal. No objections. So ordered.

AM1383

(Amendments to Final Reading Second)

1. Insert the following new section:

"Sec. 21. The school board or board of education of any school district may provide to their employees or negotiate with their employees for the provision of early retirement incentives.".

2. On page 1, line 11, after "provide" insert "powers and".

3. On page 34, line 5, strike "employed by", show as stricken, and insert "who begins employment with".

4. Renumber remaining sections accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 12, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Caruso, J. P. - Lincoln	Nebraska Young Democrats
Schmit-Albin, Julie - Lincoln	Nebraska Coalition for Life

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Standing Committee amendments, AM0664, found in the Journal on page 1196 for the Forty-Eighth Day, were considered.

Messrs. Baack, Elmer, Hall, and Schellpeper renewed their pending amendment, AM1215, found in the Journal on page 1585, to the Standing Committee amendments.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HANNIBAL PRESIDING

The Baack et al. amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1246, found in the Journal on page 1648.

Pending.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lindsay asked unanimous consent to have his name added as co-introducer to LB 325. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 fourth grade students and teachers from Diller; 40 fourth grade students and teacher from Seymour School, Omaha; 61 fourth grade students and teacher from Hillside Elementary, Omaha; Levar and Francis Sandell and Joel Carlson from Osceola; and participants of the American Legion National Oratorical Contest: Angela Ruth Weaver from Huntsville, Alabama, Joy M. Whitten from Milwaukee, Wisconsin, Martin T. Kelly, Jr. from Hydes, Maryland, Pamela Kay Epp from Fairbury, Nebraska, and sponsor, Duane Bokemper from Lincoln, Nebraska.

RECESS

At 11:57 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Hannibal presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey and Withem who were excused; and Messrs. Ashford, Byars, Chambers, Kristensen, McFarland, Warner, Mmes. Beck, and Robak who were excused until they arrive.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 429. The pending Wesely amendment, AM1246, found in the Journal on page 1648 and considered on page 1681, was renewed.

Mr. Wesely offered the following amendment to his pending amendment:
FA161
On Pg 1 line 10 strike "Fifty" and insert "Five Hundred"

Mr. Hefner asked unanimous consent to be excused until he returns. 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.

The Wesely amendment lost with 4 ayes, 14 nays, 22 present and not voting, and 9 excused and not voting.

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.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Wesely requested a roll call vote on his pending amendment.

Voting in the affirmative, 9:

Chambers	Lindsay	Moore	Pirsch	Wesely
Landis	Lynch	Nelson	Warner	

Voting in the negative, 29:

Abboud	Beyer	Goodrich	Labedz	Rogers
Baack	Chizek	Hall	Lamb	Schellpeper
Barrett	Conway	Hannibal	Langford	Scofield
Beck	Coordsen	Johnson, L.	McFarland	Smith
Bernard-Stevens	Crosby	Johnson, R.	Peterson	Wehrbein
	Elmer	Kristensen	Robak	Weihing

Present and not voting, 6:

Dierks	Hefner	Korshoj	Schimek	Schmit
Hartnett				

Absent and not voting, 1:

Haberman

Excused and not voting, 4:

Ashford	Byars	Morrissey	Withem

The Wesely amendment lost with 9 ayes, 29 nays, 6 present and not voting, 1 absent and not voting, and 4 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.

Mr. Wesely offered the following amendment:
AM1244

1. Strike original section 16 and insert the following new section:

"Sec. 16. For the purpose of the determination of reviewability of the acquisition of any asset, the cost shall be the cost of the asset if purchased.".

2. On page 6, line 20, strike "five", show as stricken, and insert "two".

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert: "The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open-heart surgery, cardiac catheterization, or angioplasty, whether adult or

pediatric;

(c) Positron emission tomography;

(d) Magnetic resonance imaging, whether a fixed or mobile unit;

(e) Therapeutic radiology;

(f) Chronic renal dialysis;

(g) Extracorporeal shock wave;

(h) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(i) Axial computerized tomography, whether a fixed or mobile unit; or

(9)"; and in line 20 strike "(7)" and insert "(8)".

4. On page 31, line 22, after "proposal" insert "upon the written request of an applicant that such applicant's application be subject to comparative review. Such written request shall be filed with the department within fifteen days of the publication of the original notice of intent".

5. On page 37, line 22, after the first comma insert "or of its own volition,".

6. On page 38, line 3, after "request" insert "or decision by the department to hold a public meeting"; and in line 5 after "71-5838" insert ", and such meeting shall be held not later than ten days after such request or decision and upon five days' notice".

Mr. Wesely withdrew his pending amendment.

Mr. Wesely offered the following amendment:
AM1268

1. Insert the following new section:

"Sec. 2. That section 71-2020, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2020. (1) Applicants for a license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a license fee of one hundred twenty-five dollars as a base fee. In addition to such

base fee, hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a fee of five dollars for each bed available for patients of the facility, and all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to the applicant.

(2) Applications shall be signed ~~(1)~~ (a) by the owner, if an individual or partnership, ~~(2)~~ (b) by two of its officers, if a corporation, or ~~(3)~~ (c) by the head of the governmental department having jurisdiction over it, if a governmental unit.

(3) Applications shall set forth (a) the full name and address of the institution for which license is sought, and of the owner in case of different address, (b) the names of the persons in control thereof, ~~and~~ (c) such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully ~~prescribed~~ adopted and promulgated hereunder and (d) such statistical, morbidity, financial, and operational data which the Department of Health deems pertinent for a comparative analysis of the operations of hospitals.

(4) Statistical data shall be furnished by hospitals on forms supplied by the Director of Health, which forms shall not jeopardize the confidentiality of the patient and the physician. Financial data shall be prepared and presented by an independent auditor who is not an employee of any hospital or related agency, in accordance with a standard format developed by the Director of Health, and shall separate all administrative and indirect costs from total expenses. A copy of the statistical and financial data compiled under this section shall be furnished to the Department of Social Services. Commencing on January 1, 1990, each hospital shall, at the end of its fiscal year, publish an annual statement, in a format required by the Director of Health, of its financial conditions and operations in a newspaper that is published in the

county where the hospital is located.

(5) The statistical, morbidity, financial, and operational data compiled under this section shall be open to public inspection under rules and regulations adopted and promulgated by the Department of Health.".

2. On page 4, strike line 24 and insert "sections 8, 11, 13, 29, and 32 to 35 of this act".

3. On page 6, line 1, strike "7, 10, and 12" and insert "8, 11, and 13".

4. On page 9, line 24, strike "32" and insert "33".

5. On page 52, line 6, after "71-1637," insert "71-2020,".

6. Renumber the remaining sections accordingly.

7. In the Standing Committee amendment, AM0664, strike amendment 2.

Messrs. Dierks and Weihing asked unanimous consent to be excused. No objections. So ordered.

Mr. Baack requested a ruling of the Chair on whether the Wesely amendment is germane to the the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. Wesely offered the following amendment:
AM1269

1. Insert the following new sections:

"Sec. 43. Sections 43 to 59 of this act shall be known and may be cited as the Health Care Facility Reporting Act.

Sec. 44. The purpose of the Health Care Facility Reporting Act shall be:

(1) Make information available to governmental agencies and to the public who finances the cost of health care by public tax funds, tax exemptions, contributions, insurance premiums, and patient rate charges; and

(2) Promote the economic delivery of high quality and cost-effective health care services to the people of this state by establishing a uniform health care reporting system for health care facilities which provides health data of a current and comparable nature.

Sec. 45. For purposes of the Health Care Facility Reporting Act, the definitions in sections 46 to 49 of this act shall apply.

Sec. 46. Department shall mean the Department of Health.

Sec. 47. Director shall mean the Director of Health.

Sec. 48. Health care facility shall include a hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center, including a free-standing hemodialysis unit, intermediate care facility, ambulatory surgical facility, and other comparable facilities.

Health care facility shall not include a Christian Science Sanatorium operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts, a facility operated solely as part of the practice of an independent practitioner, a partnership, a professional corporation as defined in section 21-2202, or a home health agency.

Sec. 49. Health care reporting shall mean the collecting of any health data by local, state, or federal agencies from health care facilities.

Sec. 50. Health data shall mean any financial, economic, or morbidity information collected from a health care facility by local, state, or federal agencies relating to the health status of people, the availability or need of health resources and services, and the use and cost of such resources and services.

Sec. 51. (1) The department shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act to establish a uniform system of financial reporting for health care facilities. Such reporting system shall include cost allocation methods by which health care facilities shall record their revenue, expenses, income, assets, liabilities, and units of service. Such system shall provide for the collection of current and comparable data relating to health care facility costs. Such system shall also include the condition established, after study, to be chiefly responsible for occasioning the admission of the patient for care, the expected source of payment for such care, and the disposition of the patient. Health care facilities may utilize any

accounting system which complies with the uniform reporting system established by the department. All health care facilities shall adopt the reporting system for their fiscal-year period at such time and date as the department shall direct. In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform health care facility reporting information to effectuate the purposes of the Health Care Facility Reporting Act and the administrative and economic difficulties which health care facilities may encounter in conversion to such uniform reporting system.

(2) In establishing such uniform system of reporting the department shall consider the following:

(a) Existing systems of reporting presently utilized by health care facilities;

(b) Differences among health care facilities according to size, financial structure, methods of payment for services, and scope, type, and method of providing services; and

(c) Any health care reporting information or other information provided by and available to governmental agencies.

(3) The department shall, when appropriate, provide for modification, consistent with the purposes of the Health Care Facility Reporting Act, or reporting requirements to correctly reflect the differences among health care facilities specified in subdivision (2)(b) of this section to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of financial reporting.

(4) Such uniform reporting system, when appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by health care facilities, as distinguished from those incurred with reference to nonpatient-related activities, including, but not limited to, charitable activities of such facilities.

Sec. 52. To further the purpose of the Health Care Facility Reporting Act, the department may create ad hoc advisory committees in specialized fields, including, but not limited to, consumer, health care, or insurance interests, to supplement the resources of the department.

Sec. 53. (1) Each separately licensed health care facility shall file annually with the department after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the health care facility;

(b) A statement of income and expenses;

(c) Such other reports of the costs incurred in rendering services as the department may prescribe; and

(d) Information necessary to establish the state health care-cost index.

(2) The department shall require certification of specified financial reports by a certified public accountant and may require attestation as to such statements from responsible officials of the health care facility that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of reporting.

(3) All reports, except privileged medical information, filed pursuant to the Health Care Facility Reporting Act shall be open to public inspection.

(4) The department shall have the right of inspection of books, audits, and records as reasonably necessary to verify health care facility reports.

Sec. 54. (1) The department shall from time to time undertake analyses and studies relating to health care facility costs and to the financial status of any such facility subject to the Health Care Facility Reporting Act and may publish and disseminate such information as it deems desirable in the public interest.

(2) The department shall also prepare and file any summaries and compilations or other supplementary reports based on the information filed with the department under the act as will advance the purposes of the act.

Sec. 55. The department shall prepare and, prior to each legislative session, transmit to the Governor and to the Clerk of the Legislature an annual report which includes a compilation of all summaries and reports required by sections 51 to 54 of this act, together with such findings and recommendations as the department deems necessary.

Sec. 56. In addition to the powers granted to

the department in the Health Care Facility Reporting Act, the department may:

(1) Adopt, promulgate, amend, and repeal rules and regulations regarding the powers conferred by the Health Care Facility Reporting Act subject to the Administrative Procedure Act; and

(2) Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection with such hearings. The department may administer oaths or affirmations in any hearing or investigation.

Sec. 57. Any order or decision of the director may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 58. Any person who violates or knowingly aids and abets the violation of the Health Care Facility Reporting Act or who fails to perform any duty under the act shall be guilty of a Class IV misdemeanor. Following official notice to the accused by the department of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the act may be enjoined from continuing such violation.

Sec. 59. In addition to the penalty provided in section 58 of this act, any health care facility which fails to comply with the Health Care Facility Reporting Act shall be subject to suspension or revocation of its license.

Sec. 60. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber remaining section accordingly.

Mr. Kristensen 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. Wesely withdrew his pending amendment.

Mr. Wesely offered the following amendment:
AM1309

1. Insert the following new section:

"Sec. 2. That section 71-2020, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2020. (1) Applicants for a license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a license fee of one hundred twenty-five dollars as a base fee. In addition to such base fee, hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a fee of five dollars for each bed available for patients of the facility, and all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to the applicant.

(2) Applications shall be signed ~~(1)~~ (a) by the owner, if an individual or partnership, ~~(2)~~ (b) by two of its officers, if a corporation, or ~~(3)~~ (c) by the head of the governmental department having jurisdiction over it, if a governmental unit.

(3) Applications shall set forth (a) the full name and address of the institution for which license is sought, and of the owner in case of different address, (b) the names of the persons in control thereof, ~~and~~ (c) such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully ~~prescribed~~ adopted and promulgated hereunder, and (d) such morbidity data which the Department of Health deems pertinent for a comparative analysis of the operations of hospitals. The data shall include the condition of the patient, procedures performed, patient outcome, discharge status, and expected source of payment. The data shall be

furnished by hospitals on forms supplied by the Director of Health, which forms shall not jeopardize the confidentiality of the patient and the physician.

(4) The morbidity data compiled under this section shall be open to public inspection under rules and regulations adopted and promulgated by the Department of Health.".

2. On page 4, strike line 24 and insert "sections 8, 11, 13, 29, and 32 to 35 of this act".

3. On page 6, line 1, strike "7, 10, and 12" and insert "8, 11, and 13".

4. On page 9, line 24, strike "32" and insert "33".

5. On page 52, line 6, after "71-1637," insert "71-2020,".

6. Renumber the remaining sections accordingly.

7. In the Standing Committee amendment, AM0664, strike amendment 2.

Mr. Wesely withdrew his pending amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 75. Introduced by Wesely, 26th District.

WHEREAS, heart disease is a major health problem in Nebraska and in the United States; and

WHEREAS, heart disease and stroke continue to claim more Nebraska lives than any other cause of death; and

WHEREAS, high blood pressure afflicts over four hundred thousand Nebraskans and sixty million Americans; and

WHEREAS, high blood pressure and high cholesterol cause the heart to work harder than normal and contribute significantly to the causes of heart disease; and

WHEREAS, the Nebraska Legislature expresses its concern for the growing rate of heart disease; and

WHEREAS, the Nebraska Legislature wishes to express its support for CountDown USA by participating in the nationwide blood pressure and cholesterol screening; and

WHEREAS, CountDown USA, the national blood pressure and cholesterol check, sponsored by Voluntary Hospitals of America, will be conducted by more than four hundred fifty VHA hospitals across the country, making it one of the largest health screenings of its kind in the nation; and

WHEREAS, the Nebraska Legislature is pleased to participate in a program specifically designed to improve the health of the people of Nebraska and the United States.

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

1. That the Nebraska Legislature encourages all Nebraskans to learn their blood pressure and cholesterol levels as a first step toward becoming more health conscious.

2. That in support of CountDown USA the Nebraska Legislature will participate in the blood pressure and cholesterol screening on Monday, April 17, 1989.

3. That the Nebraska Legislature proclaims Wednesday, April 26, 1989, as CountDown USA Awareness Day in the State of Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Morrissey asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1380
(Amendments to the Standing Committee amendments, AM0822)

1. Insert the following new amendments:

"4. On page 6, line 10, after the period insert 'The local monitoring committees may contract with a geologist or other technical experts who shall participate in the developer's onsite characterization and selection process.'; and strike beginning with 'local' in line 12 through the period in line 16 and insert 'qualified inspector as determined by the department. The inspector shall have the right of independent access to the facility and may inspect all records and activities at the site and carry out joint inspections with the department.'.

6. On page 8, line 2, after 'committees' insert 'and may be used for technical studies, determination of social and economic impact, and any

other purpose deemed appropriate by such committees to assure protection of the air, land, and water resources of the area. The committees shall file quarterly reports with the department verifying expenditures made pursuant to this subsection'; in line 14 strike 'fifty', show as stricken, and insert 'one hundred'; and in line 18 strike 'local' and insert 'qualified'.".

2. On page 5, line 16, before the period insert "; in line 22 strike 'seventy-five', show as stricken, and insert 'three hundred'; in line 23 strike '1988', show as stricken, and insert '1989'; and in line 24 strike '1989', show as stricken, and insert '1990' ".

3. Renumber the remaining amendments accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1133
(Amendments to the Standing Committee amendments, AM0822)

1. Insert the following new sections:

"Sec. 2. That section 81-1579, Revised Statutes Supplement, 1988, 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.

(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. To ensure that the citizens of a county in which the proposed site is located are actively and voluntarily involved in the siting process, the developer shall take the following measures prior to submitting an application for a facility:

(1) Provide written notification to the Governor, Legislature, department, and county board of the county in which the proposed site is located and publish a notice in at least one newspaper with general circulation in the county identifying the proposed site. Failure to comply with this subdivision with respect to a given site shall bar the developer from applying for a license for a facility to be located at such site; and

(2) At least thirty days but not more than ninety days after the county board receives the notice prescribed by subdivision (1) of this section, a special election shall be held in such county for the purpose of

determining whether a low-level radioactive waste facility should be built on the proposed site in the county.

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 specifically between the sites. Any registered voter who is a resident of such county may vote on the question. If less than a majority of such registered voters voting on the question for a given site vote to approve the site, the application for a license for a facility at such site shall be denied.

The special election shall be called by the county board of the county in which the proposed site is located, and the date for such election shall be publicly announced within thirty days after the public identification of the site prescribed in subdivision (1) of this section.

If the date chosen for the special election is less than thirty days before a general or primary election, the special election shall be held on the same date as the general or primary election.

The ballots from the special election shall be certified to the county board of the county in which the proposed site is located.

The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund.".

2. On page 5, line 5, strike "5, 6, and 14 to 17" and insert "3, 7, 8, and 16 to 19"; and in line 12 before the period insert "; and in line 14 strike '5' and insert '7' ".

3. On page 6, line 10, after the semicolon insert "in line 4 after the third comma insert '81-1579,';".

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 809. Placed on General File as amended.
Standing Committee amendments to LB 809:
AM1384

1. Strike original section 8 and insert the

following new section:

"Sec. 8. (1) Each county treasurer receiving funds for property tax reduction shall determine the amount of the property tax reduction for each taxpayer by applying the property tax relief percentage determined pursuant to section 6 of this act to the tax due, except that no taxpayer shall receive a reduction of more than five hundred dollars. Any funds remaining after such reduction shall be returned to the State Treasurer for credit to the Property Tax Relief Trust Fund.

(2) Each county treasurer shall certify to the Tax Commissioner the identities of taxpayers within the county receiving the maximum reduction under subsection (1) of this section and the amount of property taxes levied against such taxpayers. The Tax Commissioner shall then determine whether any taxpayer receiving the maximum reduction has property in more than one county. A taxpayer eligible for the maximum reduction in any county shall not receive any reduction other than in the county where the taxpayer's property taxes are greatest.

(3)(a) The Tax Commissioner shall determine the amount available for additional property tax reduction by determining the difference between the amount available to taxpayers receiving the maximum reduction if they were eligible for the percentage of property tax relief pursuant to subsection (4) of section 6 of this act and the amount such taxpayers actually received under subsection (2) of this section.

(b) The property tax relief percentage to be used for additional property tax reduction shall be computed by dividing the amount available for such additional reduction by the amount of property taxes levied statewide on those taxpayers who did not receive the maximum reduction under subsection (1) of this section. The State Board of Equalization and Assessment shall then certify such property tax relief percentage to the Tax Commissioner.

(4) The Tax Commissioner shall immediately compute the amount available for additional property tax reduction for each county by multiplying the total amount of property taxes levied and certified by each county on those taxpayers who did not receive the maximum reduction under subsection (1) of this section

by the property tax relief percentage determined pursuant to subsection (3) of this section and notify the State Treasurer and each county treasurer of the property tax relief percentage and the amount to be distributed to each county.

(5) Each county treasurer receiving funds for additional property tax reduction shall determine the amount of such reduction for each eligible taxpayer by applying the percentage of property tax relief determined pursuant to subsection (3) of this section to the amount of tax due from each taxpayer not receiving the maximum reduction under subsection (1) of this section. No taxpayer shall receive more than a total of five hundred dollars in property tax reductions under this subsection and subsection (1) of this section.

(6) Each county treasurer shall certify to the Tax Commissioner the identities of taxpayers within the county receiving the maximum reduction under subsections (1) and (5) of this section, and the Tax Commissioner shall determine whether any such taxpayer has property in more than one county. Such taxpayer shall not receive any reduction other than in the county where the taxpayer's property taxes are greatest.

(7) Any funds not distributed due to taxpayers receiving the maximum reduction shall be returned to the State Treasurer and placed in the Property Tax Relief Trust Fund.

(8) The county treasurer shall notify each taxpayer on his or her annual property tax statement of the total amount of property taxes levied against the property, the total percentage and amount of property tax reduction allowed, and the net amount of taxes due. Upon payment of the taxes, if any delinquency exists, the county treasurer shall collect interest on the entire amount of taxes levied against the property.".

2. On page 3, strike lines 22 through 25.

3. On page 4, strike line 1; in line 2 strike "(2)" and insert "(1)"; in line 6 strike "delinquent taxes,"; and in line 8 strike "(3)" and insert "(2)".

4. On page 7, strike beginning with "The" in line 22 through line 25.

5. On page 8, strike lines 1 through 17.

6. Renumber the remaining sections accordingly.

(Signed) Tim Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 429. Considered.

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.

Advanced to E & R for Review with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM0722

1. Insert the following new sections:

"Section 1. That section 71-605.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-605.04. The county attorney or coroner shall, within two days of the issuance of the autopsy results showing death suspected due to the sudden infant death syndrome, notify a representative of the Nebraska Sudden Infant Death Syndrome Foundation and the appropriate area community mental health center of the name of the parents of the sudden infant death syndrome victim.

Sec. 2. That original section 71-605.04, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein withdrew his pending amendment, AM1022, found in the Journal on page 1315.

Mr. Wehrbein renewed his pending amendment, AM1075, found in the Journal on page 1351.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Wehrbein amendment lost with 14 ayes, 19 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
AM1019

1. On page 7, line 3, after "funds" insert "or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account"; and in line 7 after "paid" insert "or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009,".

2. On page 10, line 19, after "municipality" insert "or credited to its account".

Messrs. Lynch and Peterson asked unanimous consent to be excused. 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.

The Warner amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 5 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 683A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Introduced by Wesely, 26th District; Landis, 46th District; Warner, 25th District; Schimek, 27th District; Crosby, 29th District.

WHEREAS, Goodyear Tire & Rubber Company has been a major employer and good corporate citizen of Nebraska since 1943; and

WHEREAS, Goodyear Tire & Rubber Company employs over two thousand Nebraskans in its Lincoln plant; and

WHEREAS, the management and employees of Goodyear Tire & Rubber Company in Nebraska have worked as partners in providing growth and expansion of its manufacturing operations in Nebraska;

WHEREAS, in 1985 the employees of the Lincoln plant of Goodyear Tire & Rubber Company overwhelmingly agreed to accept wage concessions in exchange for a sixty-three million dollar investment in the plant over five years; and

WHEREAS, state and local government officials have worked to provide an excellent business climate and to offer specific assistance to encourage Goodyear Tire & Rubber Company to expand in Nebraska; and

WHEREAS, the Nebraska Legislature passed LB 3 in 1981 which exempted sales and use taxes from manufacturing and processing equipment to encourage companies to locate and expand in Nebraska; and

WHEREAS, the Nebraska Legislature passed LB 775 in 1987 which provided tax incentives for investment and job creation in Nebraska; and

WHEREAS, employees, state and local officials, businesses, and Nebraska citizens remain committed to working with Goodyear Tire & Rubber Company to locate the national warehouse and distribution center in Lincoln.

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

1. That the Legislature calls on Goodyear Tire & Rubber Company to continue to negotiate with employees at the plant in Lincoln, Nebraska, to seek an agreement that will result in the location of the national warehouse and distribution center in Lincoln.

2. That a copy of this resolution be sent to the Chairman of the Board of Goodyear Tire & Rubber Company, the Plant Manager of

Goodyear Tire & Rubber Company in Lincoln, and the President of the United Rubber Workers Local 286.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 247. Placed on Select File as amended.
E & R amendments to LB 247:
AM7054

1. In the Warner amendment, AM1114:

a. Because of section 6 in the Withem amendment, AM1282, strike section 32;

b. Renumber sections 5 to 31, 33, and 34 as sections 6 to 32, 34, and 35, respectively;

c. On page 2, strike beginning with the second "the" in line 15 through "act" in line 16 and insert "July 1, 1991,"; and in line 21 strike "facility" and insert "facilities";

d. On page 3, lines 13 and 14, 21, and 22, strike "the effective date of this act" and insert "July 1, 1991";

e. On page 4, lines 1 and 2, strike "5 to 10" and insert "6 to 11";

f. On page 13, line 18, strike "6" and insert "7";

g. On page 16, line 21, after the second comma insert "or"; and in line 24 strike "shall" and show as stricken;

h. On page 17, line 10, strike "and", show as stricken, and insert an underscored comma; in line 11 strike the comma, show as stricken, and insert "which shall be"; and in line 13 after the comma insert "and";

i. On page 18, lines 1, 8, 15, and 23; and page 21, line 23, strike "25" and insert "26";

j. On page 22, strike beginning with "79-1422" in line 6 through the first comma in line 7; in line 7 strike ", 85-308, 85-606.01,"; strike beginning with "79-1422" in line 18 through the first comma in line 19; and in line 19 strike ", 85-606.01,"; and

k. On page 32, lines 4 and 5, strike "5, 7 to 11, 13 to 19, 21 to 30, and 33" and insert "6, 8 to 12, 14 to 20, 22 to 31, and 34"; and in line 21 strike

"sections 1 to 4" and insert "section 1, sections 2 to 5 of AM1282, and all amendments thereto".

2. In the Scofield amendment, FA148, on line 5 strike "and five" and insert ", and (4) five".

3. In the Withem amendment, AM1282:

a. Renumber sections 6 and 7 as sections 33 and 36, respectively;

b. On page 1, line 13, strike "and";

c. On page 1, line 16, and page 2, line 14, strike "effective" and insert "operative" and strike "act" and insert "section";

d. On page 2, lines 4 and 20, before "this" insert "sections 1 to 5 of";

e. On page 3, line 13, strike the period and insert an underscored semicolon;

f. On page 4, line 22, after "including" insert ", but not limited to"; and

g. On page 6, line 15, strike "separate".

4. On page 1, line 1, after the semicolon insert "to amend sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-935, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1373, 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988"; in line 3 strike "and"; and in line 4 after "funds" insert "; to provide for the establishment of the University of Nebraska at Kearney; to provide procedure for the transfer of certain property, rights, and obligations to the Board of Regents of the University of Nebraska; to provide for the transfer of certain employees, pensions, rights, and privileges; to provide powers and duties; to create funds; to provide for a bargaining unit; to provide responsibilities for the University of Nebraska campuses; to provide for budget planning; to eliminate provisions relating to a joint advisory committee for master of business administration degree programs; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency".

LEGISLATIVE BILL 611. Placed on Select File as amended.
E & R amendments to LB 611:
AM7050

1. In the Moore amendment, AM1222:

a. On page 1, line 12, strike "That it" and insert "It"; in line 13 strike "local"; and in line 20 strike "Nebraska";

b. On page 2, line 6, strike "financing" and insert "finance"; and in line 7 strike "local";

c. On page 4, line 7, after "by" insert "subdivision (a) of this" and strike "(2)(a) of this", show as stricken, and insert an underscored period; and strike line 8 and show as stricken;

d. On page 5, line 14, after "oaths" insert "or affirmations";

e. On page 7, line 3, strike "herein", show as stricken, and insert "in this section"; and in line 6 strike "executors", show as stricken, and insert "personal representatives";

f. On page 11, strike beginning with "As" in line 15 through "requires" in line 16, show as stricken, and insert "For purposes of subsections (10) through (13) of this section"; and

g. On page 14, line 11, before "regulations" insert "rules and".

2. On page 1, strike beginning with "schools" in line 1 through line 14 and insert "revenue and taxation; to amend sections 77-27,119 and 79-1330, Reissue Revised Statutes of Nebraska, 1943; to state intent concerning school finance; to change requirements for filing income tax returns; to provide a termination date for the School Foundation and Equalization Act; and to repeal the original sections.".

3. On page 2, strike line 1.

LEGISLATIVE BILL 84. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7052.)

LEGISLATIVE BILL 84A. Placed on Select File.

LEGISLATIVE BILL 739. Placed on Select File as amended.
E & R amendment to LB 739:
AM7051

1. On page 1, line 2, strike "77-2515.07" and insert "77-2715.07".

LEGISLATIVE BILL 739A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

FA162
On page 9, line 25 following "state" insert "with a population less than one hundred thousand inhabitants"

Mr. Wesely asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1360
1. On page 23, line 11, strike "or"; and in line 14 after "purposes" insert:
";or
(5) The sale of a health maintenance organization".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1396
(Amendments to the Standing Committee amendment, AM0822)
1. Strike section 17 and insert the following new sections:
"Section 1. That section 25-223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
25-223. Any action to recover damages based on any alleged breach of warranty on improvements to real property or based on any alleged deficiency in the design, planning, supervision, or observation of construction~~,~~ or construction of an improvement to real property, except an action governed by section 19 of this act, shall be commenced within four years after any alleged act or omission constituting such breach of warranty or deficiency. If such cause of action is not discovered and could not be reasonably discovered within such four-year period~~,~~ or within one year preceding the expiration of such four-year period, then the cause of

action may be commenced within two years from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. In no event may any action, except an action governed by section 19 of this act, be commenced to recover damages for an alleged breach of warranty on improvements to real property or deficiency in the design, planning, supervision, or observation of construction, or construction of an improvement to real property more than ten years beyond the time of the act giving rise to the cause of action.

Sec. 2. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions, except one governed by subsection (5) of this section or section 19 of this act, shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code, ~~or~~ by subsection (5) of this section, or by section 19 of this act, shall be commenced within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof,

shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 19. An action to recover damages for exposure to radiation from a facility shall be commenced within four years after the date of discovery of the damage or injury by the plaintiff or the date when, through the exercise of reasonable diligence, the damage or injury should have been discovered by the plaintiff, whichever is earlier.

Sec. 20. There is hereby created the Low-Level Radioactive Waste Research Fund. The fund shall be utilized to finance legislative research of liability issues relating to low-level radioactive waste disposal. The Judiciary Committee of the Legislature shall supervise such research and may appoint a subcommittee of its members for such purpose.

Sec. 21. (1) There is hereby appropriated $50,000 from the Low-Level Radioactive Waste Research Fund for the period July 1, 1989, to June 30, 1990, to the Legislative Council, for Program 126, to aid in carrying out the provisions of section 20 of this act.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this subsection.

(2) The Department of Environmental Control shall transfer $50,000 of the Department of Energy rebate funds authorized under the Low-Level Radioactive Waste Policy Act Amendments of 1985 to the Low-Level Radioactive Waste Research Fund on July 1, 1989. In the

event such funds are not available for transfer on July 1, 1989, transfer shall be made on the earliest possible date after receipt.".

2. On page 5, line 5, strike "5, 6, and 14 to 17" and insert "7, 8, and 16 to 21"; and in line 12 after the quotation marks insert "; and in line 14 strike '5' and insert '7' ".

3. On page 6, line 9, after the second comma insert "after 'sections' insert '25-223, 25-224,' and".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 11 kindergarten through sixth grade students and teacher from Scotia; Mr. and Mrs. Tom Palmer from Kearney; Marcy Nesbitt, Vicki Robinson, and children from Imperial; 15 kindergarten through fourth grade students and sponsor from Locust Grove School, Brownville; Mayor Flora Lundberg and Helen Allen from McCook; Kelly Lant and Buster Johanson from Columbus; six boy scouts and leader from Auburn; 15 fifth grade students, teachers, and sponsors from Oxford; Orville Jurgena and Devore Silvey; Terry and Chris Healey from Gothenburg; 19 fifth and sixth grade students and sponsors from Bradshaw; and 50 fourth grade students and sponsor from G. Stanley Hall School, LaVista.

ADJOURNMENT

At 4:29 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Monday, April 17, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 17, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 17, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Frederick Felger, Central Park Congregational - United Church of Christ, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Byars, Chambers, Conway, Hartnett, Landis, Lindsay, McFarland, Warner, Mmes. Beck, Crosby, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fifth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 575. Placed on Select File as amended.
E & R amendments to LB 575:

AM7055

1. On page 1, line 3, strike "provide for" and insert "change provisions relating to"; in line 4 strike "enforcement of"; and line 9 after "revocation" insert "and suspension".

2. On page 2, line 5, before "The" insert "(1)"; in line 11 strike "(1)", show as stricken, and insert "(a)" and strike ", (2)", show as stricken, and insert "; (b)"; in line 12 strike ", (3)", show as stricken, and insert "; (c)" and strike the second comma, show as stricken, and insert an underscored semicolon; in line 13 strike "(4)", show as stricken, and insert "(d)"; and in line 18 before "A" insert "(2) The board may, for just cause, revoke or suspend any teacher's or administrator's certificate.".

3. On page 5, lines 15, 18, and 19, strike "teaching" and insert "teacher's"; and in lines 16 and 19 strike "administrative" and insert "administrator's".

4. On page 6, line 2, strike "teaching" and insert "teacher's"; and in line 3 strike "administrative" and insert "administrator's".

LEGISLATIVE BILL 575A. Placed on Select File.

LEGISLATIVE BILL 330. Placed on Select File as amended.
E & R amendments to LB 330:
AM7057

1. In the Standing Committee amendments, AM0387:

a. On page 3, line 24, after "shall" insert "forthwith" and strike "forthwith";

b. On page 4, in lines 2 and 3 and 7 strike "provide forthwith" and insert "forthwith provide"; in line 11 strike the second "the" and insert "such"; in line 17 after "shall" insert "forthwith"; and strike beginning with "and" in line 20 through "thereon" in line 21; and

c. On page 5, line 6, strike "an" and insert "a temporary"; and strike beginning with "17" in line 22 through line 24 and insert "18 after the first".

2. On page 1, line 2, after the second comma insert "42-357,"; and strike beginning with "a" in line 8 through "orders" in line 9 and insert "penalties".

3. On page 2, line 12, after "himself" insert

", herself,".

4. On page 5, line 24, after "for" insert "a protection order providing for".

5. On page 7, lines 12 and 23, before "that" insert "stating".

6. On page 9, line 18, strike "subsection" and insert "section".

LEGISLATIVE BILL 586. Placed on Select File as amended.
E & R amendment to LB 586:
AM7053

1. On page 2, line 10, strike the comma.

(Signed) John C. Lindsay, Chairperson

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of March, 1989, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

RESOLUTION

LEGISLATIVE RESOLUTION 75. Read. Considered.

LR 75 was adopted with 25 ayes, 0 nays, and 24 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 395.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650.07, Revised Statutes Supplement, 1988; to change provisions relating to the use of a tax levy 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, 33:

Ashford	Dierks	Johnson, L.	Moore	Scofield
Barrett	Elmer	Johnson, R.	Morrissey	Smith
Bernard-Stevens	Goodrich	Korshoj	Nelson	Wehrbein
	Haberman	Labedz	Peterson	Weihing
Beyer	Hall	Lindsay	Robak	Wesely
Chambers	Hannibal	Lynch	Rogers	Withem
Coordsen	Hefner	McFarland	Schellpeper	

Voting in the negative, 4:

Kristensen	Lamb	Langford	Schmit

Present and not voting, 1:

Schimek

Excused and not voting, 11:

Abboud	Byars	Conway	Hartnett	Pirsch
Baack	Chizek	Crosby	Landis	Warner
Beck				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1416, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to penalties for failure to obtain a license for selling and otherwise disposing of certain motor vehicles 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:

Ashford	Beyer	Elmer	Hannibal	Korshoj
Barrett	Chambers	Goodrich	Hefner	Kristensen
Bernard-Stevens	Coordsen	Haberman	Johnson, L.	Labedz
	Dierks	Hall	Johnson, R.	Lamb

Landis	Moore	Pirsch	Schimek	Wehrbein
Langford	Morrissey	Robak	Schmit	Weihing
Lindsay	Nelson	Rogers	Scofield	Wesely
Lynch	Peterson	Schellpeper	Smith	Withem
McFarland				

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Beck	Chizek	Crosby	Warner
Baack	Byars	Conway	Hartnett	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 66. With Emergency.

A BILL FOR AN ACT relating to filing and payment requirements; to amend section 49-1203, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the receipt of timely filings and payments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Ashford	Elmer	Korshoj	McFarland	Schimek
Barrett	Goodrich	Kristensen	Morrissey	Schmit
Bernard-Stevens	Haberman	Labedz	Nelson	Scofield
	Hall	Lamb	Peterson	Smith
Beyer	Hannibal	Landis	Pirsch	Wehrbein
Chambers	Hefner	Langford	Robak	Weihing
Coordsen	Johnson, L.	Lindsay	Rogers	Wesely
Dierks	Johnson, R.	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 9:

Abboud	Beck	Chizek	Crosby	Warner
Baack	Byars	Conway	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.

LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to make certain acts relating to the use of financial transaction devices and sales forms unlawful; to define and redefine terms; to provide penalties; 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, 42:

Abboud	Coordsen	Johnson, R.	McFarland	Schimek
Ashford	Dierks	Korshoj	Morrissey	Schmit
Barrett	Elmer	Kristensen	Nelson	Scofield
Beck	Goodrich	Labedz	Peterson	Smith
Bernard-Stevens	Haberman	Lamb	Pirsch	Wehrbein
	Hall	Landis	Robak	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Chambers	Hefner	Lindsay	Schellpeper	Withem
Chizek	Johnson, L.	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 6:

Baack	Conway	Crosby	Hartnett	Warner
Byars				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 401.

A BILL FOR AN ACT relating to divorce and annulment actions; to amend section 42-347, Reissue Revised Statutes of Nebraska, 1943; to authorize name changes during the pendency of certain proceedings; 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	Chizek	Johnson, L.	McFarland	Schimek
Ashford	Coordsen	Korshoj	Moore	Schmit
Barrett	Dierks	Kristensen	Morrissey	Scofield
Beck	Elmer	Labedz	Nelson	Smith
Bernard-Stevens	Goodrich	Lamb	Peterson	Wehrbein
	Haberman	Landis	Pirsch	Weihing
Beyer	Hall	Langford	Robak	Wesely
Byars	Hannibal	Lindsay	Rogers	Withem
Chambers	Hefner	Lynch	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 5:

Baack	Conway	Crosby	Hartnett	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 506

Messrs. Haberman and Korshoj withdrew their pending amendment, AM1383, found in the Journal on page 1679, to LB 506.

MOTION - Return LB 506 to Select File

Mr. Haberman moved to return LB 506 to Select File for the following specific amendment:
FA163
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 506. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2322, 79-1520, 79-1565, 81-2014, 81-2017, 81-2025, 81-2026, 81-2031, 81-2032, 84-1301, and 84-1324, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-706, 24-707, 24-708, 24-710, 24-710.02, 79-1501, and 79-1552, Revised Statutes Supplement, 1988; to change provisions relating to annuities and benefits as prescribed; to define and redefine terms; to provide duties; to change provisions relating to former members of retirement systems; to authorize certain individuals to elect retirement system membership as prescribed; to delete obsolete language; to change funding provisions; 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, 44:

Abboud	Byars	Haberman	Kristensen	McFarland
Ashford	Chambers	Hall	Labedz	Moore
Barrett	Chizek	Hannibal	Lamb	Morrissey
Beck	Coordsen	Hefner	Landis	Nelson
Bernard-Stevens	Dierks	Johnson, L.	Langford	Peterson
	Elmer	Johnson, R.	Lindsay	Pirsch
Beyer	Goodrich	Korshoj	Lynch	Robak

Rogers	Schimek	Scofield	Wehrbein	Wesely
Schellpeper	Schmit	Smith	Weihing	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Conway	Crosby	Hartnett	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.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Bracket LR 2CA

Mr. Wesely moved to bracket LR 2CA until January 3, 1990.

SPEAKER BARRETT PRESIDING

Mr. Wesely withdrew his pending motion to bracket.

MOTION - Return LR 2CA to Select File

Mr. Schmit moved to return LR 2CA to Select File for the following specific amendment:
AM1407

(Amendments to Final Reading copy)

1. On page 3, line 1, after the period insert "The method of taxing agricultural land and horticultural land provided by the Legislature shall require that taxes be levied uniformly and proportionately within the class of agricultural land and horticultural land and within and between subclasses of such class.".

2. On page 4, line 18, after "franchises" insert ", to require that taxes be levied uniformly and proportionately within the class of agricultural land and horticultural land and within and between subclasses of such class,".

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 506, 401, 372, 66, 47, and 395.

MOTION - Return LR 2CA to Select File

The Schmit pending motion, found in this day's Journal, to return LR 2CA to Select File for his specific amendment, AM1407, was renewed.

PRESIDENT NICHOL PRESIDING

Mr. Schmit withdrew his motion to return.

Mr. Schmit moved to return LR 2CA to Select File for the following specific amendment:
AM1408

(Amendments to Final Reading copy)

1. On page 2, line 19, strike "and".

2. On page 3, line 1, after "franchises" insert "; and (3) agricultural land and horticultural land shall be taxed at not less than forty-five percent and not more than eighty percent of its value relative to other land".

3. On page 4, line 18, after "franchises" insert ", to limit the taxation of such land to a percentage of its value relative to other land,".

SPEAKER BARRETT PRESIDING

Mr. Wesely 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. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit requested a record vote on his motion to return.

Voting in the affirmative, 13:

Baack	Chambers	Haberman	Labedz	Schmit
Bernard-Stevens	Conway	Hartnett	Robak	Weihing
	Elmer	Korshoj	Schimek	

Voting in the negative, 23:

Abboud	Coordsen	Johnson, L.	Moore	Schellpeper
Barrett	Dierks	Johnson, R.	Morrissey	Wehrbein
Beck	Hall	Lamb	Nelson	Wesely
Beyer	Hannibal	Landis	Pirsch	Withem
Byars	Hefner	McFarland		

Present and not voting, 9:

Ashford	Kristensen	Lindsay	Rogers	Smith
Goodrich	Langford	Lynch	Scofield	

Excused and not voting, 4:

Chizek	Crosby	Peterson	Warner

The Schmit motion to return lost with 13 ayes, 23 nays, 9 present and not voting, and 4 excused and not voting.

Mr. R. Johnson moved to return LR 2CA to Select File for the following specific amendment:
AM1413

(Amendments to Final Reading copy)

1. On page 3, line 1, after "franchises" insert "but which results in values which are uniform and proportionate upon all property within the class of agricultural land and horticultural land".

2. On page 4, line 18, after "franchises" insert "but which results in values are uniform and proportionate upon all property within the class of agricultural land and horticultural land".

The R. Johnson motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE RESOLUTION 2CA. The R. Johnson specific amendment, AM1413, found in this day's Journal, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. McFarland 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. Barrett requested a machine vote on the readvancement of the bill.

Advanced to E & R for Re-Engrossment with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 17, 1989, at 11:40 a.m., were the following bills: 395, 47, 66, 372, 401, and 506.

(Signed) Randy Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1375

1. On page 2, line 11, strike "not more than" and show as stricken and after the comma insert "a tax of"; in line 12 strike the comma, show as stricken, and insert an underscored semicolon and strike "packages", show as stricken, and insert "each package of cigarettes"; in line 13 after "more" insert "or less"; and strike beginning with "the" in line 13 through the period in line 18, show as stricken, and insert "a tax of one-twentieth of the tax on each package of twenty cigarettes on each cigarette in each package.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

AM1390

1. On page 3, lines 12 and 13; page 4, lines 21 and 22; page 5, line 8, strike ", college, or university".

2. On page 4, line 23; and page 5, line 5, after "student" insert "of a member institution".

VISITORS

Visitors to the Chamber were 64 fourth grade students and teachers from Auburn; Jeremy Hearder, Counsul-General of Australia; 32 seventh and eighth grade students from St. Mary School, Omaha; 36 fourth grade students and teacher from St. Mary's School, David City; and 42 foreign exchange students from across the state.

RECESS

At 11:58 a.m., on a motion by Mr. Wehrbein, 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. Ashford, Chizek, McFarland, Mmes. Crosby, and Labedz who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 77. Introduced by Weihing, 48th District.

WHEREAS, April has been declared National Volunteer Month; and

WHEREAS, the majority of Nebraskans have participated in a volunteer capacity; and

WHEREAS, volunteers provide tremendous economic and social benefits to the community; and

WHEREAS, volunteers provide an invaluable source of strength, courage, and pride to people and agencies in need of help.

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

1. That the Legislature recognizes April as National Volunteer Month.

2. That the Legislature recognizes every Nebraska volunteer who has donated countless hours of hard work and effort for the betterment of the community.

3. That a copy of this resolution be sent to the Volunteer Connection, 1721 Broadway, #409, Scottsbluff, Nebraska 69361 and the Volunteer Connection, 215 Centennial Mall South, Lincoln, Nebraska 68508.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 761. Title read. Considered.

Standing Committee amendments, AM0822, found in the Journal on page 1123 for the Forty-Fifth Day, were considered.

Mr. Kristensen renewed his pending amendment, AM1396, found in the Journal on page 1705, to the Standing Committee amendments.

Mr. Kristensen withdrew his pending amendment.

Mr. Morrissey renewed his pending amendment, AM1380, found in the Journal on page 1693, to the Standing Committee amendments.

Mr. Schmit requested a ruling of the Chair on whether the Morrissey amendment is germane to the Standing Committee amendments.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Morrissey amendment is not germane to the Standing Committee amendments.

Mr. Morrissey challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 14 ayes, 15 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Dierks renewed his pending amendment, AM1133, found in the Journal on page 1694, to the Standing Committee amendments.

Mr. Schmit requested a ruling of the Chair on whether the Dierks amendment is germane to the Standing Committee amendments.

The Chair ruled the Dierks amendment is not germane to the Standing Committee amendments.

Mr. Dierks challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Dierks moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Dierks requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 18:

Ashford	Hall	Landis	Robak	Scofield
Chambers	Johnson, R.	McFarland	Schellpeper	Smith
Coordsen	Kristensen	Morrissey	Schimek	Wesely
Dierks	Labedz	Nelson		

Voting in the negative, 23:

Abboud	Bernard-Stevens	Elmer	Langford	Pirsch
Baack		Haberman	Lindsay	Schmit
Barrett	Beyer	Hefner	Lynch	Warner
Beck	Byars	Johnson, L.	Moore	Wehrbein
	Conway	Lamb	Peterson	Weihing

Present and not voting, 4:

Hartnett	Korshoj	Rogers	Withem

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chizek Crosby Hannibal

The Dierks motion to overrule the Chair lost with 18 ayes, 23 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Schmit and Kristensen offered the following amendment to the Standing Committee amendments:
AM1399
(Amendments to Standing Committee amendments, AM0822)
1. Strike section 17 and insert the following new section:
"Sec. 17. The Judiciary Committee of the Legislature shall conduct a study of liability issues related to the disposal of low-level radioactive waste, including, but not limited to, strict liability, rebuttable presumption, statutes of limitation, causation, and any other issues related to liability in tort.
The committee shall report its findings, together with any recommendations, to the Legislature by November 1, 1989.".

SPEAKER BARRETT PRESIDING

Mr. Morrissey 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 Schmit-Kristensen amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:
AM1004
(Amendments to the Standing Committee amendments, AM0822)
1. On page 1, line 7, after the period insert "The appointee may begin to serve immediately following appointment and prior to approval by the Legislature.

If the appointee receives less than majority approval by the members of the Legislature, the Governor shall appoint another person to represent Nebraska on the commission within ten days of the failure to receive such approval. The member representing Nebraska on the commission may, when necessary, designate an alternate member to represent Nebraska.".

The Schmit amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:
AM1415
(Amendments to Standing Committee amendment, AM0822)

1. Strike amendment 4 and insert the following new amendments:

"4. On page 6, line 19, strike 'nine', show as stricken, and insert 'ten'.

5. On page 7, line 11, strike 'Three', show as stricken, and insert 'For'; in line 14 strike 'and' and show as stricken; and in line 15 after 'member' insert ', and one of whom is the chief of a fire department located within fifteen miles of the proposed site'.".

The Schmit amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Elmer offered the following amendment to the Standing Committee amendments:
FA164
To amend the amended committee amendments, AM1399, in Sec 17 after the words "low-level radioactive waste", insert "hazardous waste, toxic waste, medical waste and infectious waste"

Mr. Landis requested a ruling of the Chair on whether the Elmer amendment is germane to the Standing Committee amendments.

The Chair ruled the Elmer amendment is not germane to the Standing Committee amendments.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM1403

1. On page 6, after line 17, insert the following new subsection:

"(2) The Conservation and Survey Division of the University of Nebraska shall provide without charge technical assistance to the local monitoring committee with the sampling, analysis, and testing provided for in this section, including, but not limited to, monitoring and performance of such sampling, analysis, and testing."; and in line 18, strike "(2)", show as stricken, and insert "(3)".

2. On page 7, line 16, strike "(3)", show as stricken, and insert "(4)"; and in line 22, strike "seventy-five", show as stricken, and insert "three hundred".

3. On page 8, line 7, strike "(4)", show as stricken, and insert "(5)"; and in line 23, strike "(5)", show as stricken, and insert "(6)".

The Schmit amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

General Affairs
Mary Cabela - Nebraska Arts Council

Transportation
Ronald K. Woodle - Board of Public Roads Classifications and Standards

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MESSAGES FROM THE GOVERNOR

April 13, 1989

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 Crime Victims Reparations Committee, requiring legislative confirmation.

Appointee: Phyllis Anstine, 9623 Browne, Omaha, NE 68134, (402) 572-8792.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 10, 1989

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: Brenda J. Council, 2001 Florence Mills Plaza, Omaha, NE 68110, (402) 453-1532.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 10, 1989

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 Governor's Advisory Committee to the Departments of Social Services, Public Institutions, and Corrections, requiring legislative confirmation.

Appointee: Shirley J. Howell, Box 55, Fairbury, NE 68352, (402) 729-2152.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 7, 1989

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: Kenney D. Allred, 16422 Rolling Ridge Rd., Omaha, NE 68135, (402) 896-8673.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendments to LB 182:
AM7060

1. In the Standing Committee amendments, AM0863:

a. On page 1, line 9, after "43-2,106" insert an underscored comma; and

b. On page 2, lines 5 and 11, strike the underscored period; and in line 20 after "review" insert "of the change in placement".

2. On page 1, line 6, after the semicolon insert "to state intent;".

3. On page 3, line 19, strike "from" and insert "of".

4. On page 4, line 25; and page 5, line 3, after "county" insert "court".

5. On page 6, line 13, strike the commas and show as stricken.

6. On page 11, line 25, before "When" insert "(1)".

7. On page 12, line 2, strike the comma and show as stricken; in line 6 strike ", which", show as stricken, and insert ". Any such" and after "and" insert "the"; and in line 14 before "Following" insert "(2)".

8. On page 13, line 3, strike "disposition" and insert "dispositional"; in line 8 before "Within"

insert "(3)".

9. On page 14, line 10, before "When" insert "(4)".

10. On page 18, line 8, after "evidence" insert an underscored comma; and in line 9 after "material" insert an underscored comma.

11. On page 23, line 16, strike "transmitted", show as stricken, and insert "remitted".

12. On page 26, line 9, strike the comma and show as stricken.

13. On page 27, line 24, after "43-2,129" insert a comma.

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendments to LB 325:
AM7056

1. In the Hefner amendment, FA158, on page 1, line 5, strike the comma; in line 11 strike the comma and insert "(1)"; and in line 14 before "comparable" insert "(2)".

2. In the Hefner amendment, FA157:

a. On page 1, line 10, after "7" insert "of this act"; and

b. On page 2, line 12, strike the comma; and in line 24 strike "not".

LEGISLATIVE BILL 247A. Placed on Select File.
LEGISLATIVE BILL 651A. Placed on Select File.

LEGISLATIVE BILL 603. Placed on Select File as amended.
E & R amendments to LB 603:
AM7058

1. In the Standing Committee amendments, AM0805:

a. On page 2, line 8, strike "record would" and insert "records" and after "in" insert "a";

b. On page 3, line 12, after "names" insert "and except as provided in subsection (2) of this section"; in line 17 after "in" insert "a"; move the new matter in lines 15 through 19 and place it after line 12; and in line 13 before "Violation" insert "(3)"; and

c. On page 4, line 21, strike "State Foster Care Review Board" and insert "state board".

2. On page 1, line 1, after "sections" insert

"42-917, 42-918,"; in line 2 after the last comma insert "43-1309, 43-1310,"; in line 4 after "1943" insert ", and section 28-726, Revised Statutes Supplement, 1988; to authorize the release of certain records to the State Foster Care Review Board; to provide for review of certain additional foster care placements"; and in line 8 after the semicolon insert "to harmonize provisions;".

3. On page 2, line 24, after "or" insert "an".

4. On page 3, lines 5 and 14, after "in" insert "a"; and in line 6 strike "subdivision (4) of".

5. On page 5, line 1, strike "that", show as stricken, and insert "who"; and in line 4 after "with" insert "the".

6. On page 7, line 2, after the first comma insert "a".

7. On page 8, line 12, after "files" insert an underscored comma.

8. On page 9, line 5, strike "The manner" and insert "Manner"; in line 7 after the second "in" insert "a"; and in line 8 after "care" insert "placement".

9. On page 10, line 2, after "in" insert "a".

10. On page 11, line 16, after "in" insert "a" and after "care" insert "placement".

LEGISLATIVE BILL 603A. Placed on Select File.

Correctly Re-Engrossed

The following resolution was correctly re-engrossed: LR 2CA.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LR 2CA

The following changes, required to be reported for publication in the Journal, have been made:
ER6162

1. In the R. Johnson amendments, AM1413, on page 1, line 2, the second "which" has been struck and "that" inserted; and in line 6 "that" has been inserted after "values".

2. On page 2, line 25, "which" has been struck and "that" 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 89 in the Journal. No objections. So ordered.

AM1377

1. On page 3, lines 9, 11, 17, and 21, strike "eighteen" and insert "seventeen".

2. On page 5, line 5, strike "eighteen" and insert "less than seventeen" and strike "or less"; in line 7 strike "more"; and in line 8 strike "than eighteen" and insert "seventeen" and after "dollars" insert "or more".

3. On page 7, line 18, strike "forty" and insert "twenty-five"; and in line 20 strike "seventy-five" and insert "twenty-five".

Mr. Lynch asked unanimous consent to print the following amendment to LB 89A in the Journal. No objections. So ordered.

AM1353

1. On page 2, line 2, strike "$40,000,000" and insert "$25,000,000"; and in line 3 strike "$75,000,000" and insert "$25,000,000".

Mr. Lamb asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1386

1. In the E&R Amendments, AM7052, on page 3, strike beginning with "Commencing" in line 19 through line 22 and insert "The department shall prescribe application forms and commencing December 15, 1989, shall furnish such forms to each county treasurer.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 84A in the Journal. No objections. So ordered.

AM1392

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after

its passage and approval, according to law.".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

FA166

1. Page 6, line 24, strike "one-third" and replace with "one and one-fifth". Line 25 strike "teacher" and replace with "teachers"

2. Page 7, line 3, strike "two-thirds" and replace with "one".

3. Page 7, line 6, strike "one" and replace with "two-thirds".

4. Page 7, line 9, strike "one and one-fifth" and replace with "one-third".

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 761. Mr. Schmit offered the following amendment:

AM1417

1. On page 17, after line 8 insert the following new subsection:

"(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.".

Mr. Morrissey offered the following amendment to the pending Schmit amendment:

FA165

to amend AM1417

In line 3, strike Natural Resources and insert Revenue

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Morrissey withdrew his pending amendment.

The pending Schmit amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:

AM1401

1. On page 6, line 19, after "members" insert ", all of whom shall be residents of Nebraska".

2. On page 7, line 16, after "(3)" insert "If the appointments required by subdivisions (a) through (c) of this subsection have not been made within thirty days after the effective date of this act, the Governor shall make such appointments. Appointment of a person ineligible to serve pursuant to the requirements of this section shall be considered the equivalent of not making an appointment.

(4)".

3. On page 8, line 7, strike "(4)", show as stricken, and insert "(5)"; and in line 23, strike "(5)", show as stricken, and insert "(6)".

4. On page 15, line 23, after "section" insert ". Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process".

Mr. Coordsen 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 28 ayes, 0 nays, and 21 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Kristensen requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 25:

Abboud	Beyer	Haberman	Lamb	Schmit
Baack	Byars	Hall	Langford	Smith
Barrett	Conway	Hefner	Moore	Warner
Beck	Elmer	Johnson, L.	Nelson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Robak	Weihing

Voting in the negative, 15:

Ashford	Dierks	Hartnett	Johnson, R.	Korshoj

Kristensen	Lindsay	Morrissey	Schellpeper	Scofield
Landis	McFarland	Rogers	Schimek	Withem

Present and not voting, 5:

Chambers	Hannibal	Lynch	Peterson	Pirsch

Absent and not voting, 1:

Wesely

Excused and not voting, 3:

Chizek	Coordsen	Crosby

The Schmit amendment was adopted with 25 ayes, 15 nays, 5 present and not voting, 1 absent and not voting, and 3 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.

Mr. Morrissey reoffered his amendment, AM1380, found in the Journal on page 1693 and considered in this day's Journal.

Mr. Elmer offered the following amendment to the pending Morrissey amendment:
FA167
On page 1, line 16, after "Appropriate" insert "to the monitoring of the low-level waste site planning, construction, or maintenance"

The Elmer amendment was adopted with 13 ayes, 0 nays, 32 present and not voting, and 4 excused and not voting.

The pending Morrissey amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 77, 371, 592, 643, and 714 were received in my office on April 11, 1989.

These bills were signed by me on April 17, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 78. Introduced by Goodrich, 20th District.

PURPOSE: The purpose of this study is to examine issues concerning the pricing of gasoline. The price of gasoline has a direct impact on every resident of this state and on state and local government. The study should provide a thorough examination of how the price is determined, the effect of supply and demand on the price, the effect, if any, of business organization, mergers, and takeovers on the price, and other factors affecting the price.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 423 in the Journal. No objections. So ordered.

AM1398

(Amendments to the Final Reading copy)

1. On page 10, line 13, strike "had reasonable cause to believe" and insert "knew or reasonably should have known".

2. On page 15, line 12, after the semicolon insert "or"; in line 14 strike "subsection (a) of"; and strike beginning with the semicolon in line 16 through line 19 and insert a period.

VISITORS

Visitors to the Chamber were 32 eighth grade students, teacher, and sponsor from Scribner/Snyder; and 26 fourth grade students and teacher from Louisville.

ADJOURNMENT

At 4:55 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, April 18, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 18, 1989

LEGISLATIVE JOURNAL

SIXTY-SEVENTH DAY - APRIL 18, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 18, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Steven Voris, Presbyterian Church, North Bend, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Abboud, Conway, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Sixth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 75.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Read. Considered.

LR 76 was adopted with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. McFarland asked unanimous consent to have his name added as co-introducer to LR 76. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1405

(Amendments to Final Reading copy)

1. Strike original section 3.

2. On page 2, line 1, strike "6" and insert "5".

3. On page 8, strike lines 19 through 25 and insert "$4,500 from the General Fund for the period July 1, 1989, to June 30, 1990, and $4,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Department of Education, for Program 508, to aid the School Restructuring Commission in carrying out the provisions of sections 3 and 4 of this act.

(2) There is hereby appropriated $100,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Department of Education, for Program 508, for".

4. Renumber remaining sections accordingly.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 546.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to refunds for amounts mistakenly paid or not owed to the state; and to repeal the original section.

Whereupon the 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	Schimek
Ashford	Crosby	Johnson, R.	Moore	Schmit
Baack	Dierks	Korshoj	Morrissey	Scofield
Barrett	Elmer	Kristensen	Nelson	Smith
Beck	Goodrich	Lamb	Peterson	Warner
Bernard-Stevens	Haberman	Landis	Pirsch	Wehrbein
Beyer	Hall	Langford	Robak	Weihing
Byars	Hannibal	Lindsay	Rogers	Wesely
Chambers	Hartnett	Lynch	Schellpeper	Withem
	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Chizek	Conway	Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 548.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-216.01 and 81-216.02, Reissue Revised Statutes of Nebraska, 1943; to exempt bed and breakfast establishments from the act; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Byars	Haberman	Kristensen	Moore
Ashford	Chambers	Hall	Labedz	Morrissey
Baack	Conway	Hannibal	Lamb	Nelson
Barrett	Coordsen	Hartnett	Landis	Peterson
Beck	Crosby	Hefner	Langford	Pirsch
Bernard-Stevens	Dierks	Johnson, L.	Lindsay	Robak
Beyer	Elmer	Johnson, R.	Lynch	Rogers
	Goodrich	Korshoj	McFarland	Schellpeper

Schimek	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein	Wesely	

Voting in the negative, 0.

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 582.

A BILL FOR AN ACT relating to the Nebraska Beef Industry Development Act; to amend section 54-2113, Reissue Revised Statutes of Nebraska, 1943; to change a fee; to eliminate provisions relating to raising and lowering fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Conway	Johnson, L.	McFarland	Schimek
Ashford	Coordsen	Johnson, R.	Moore	Schmit
Baack	Crosby	Korshoj	Morrissey	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Beck	Elmer	Labedz	Peterson	Warner
Bernard-Stevens	Goodrich	Lamb	Pirsch	Wehrbein
	Haberman	Landis	Robak	Weihing
Beyer	Hall	Langford	Rogers	Wesely
Byars	Hartnett	Lindsay	Schellpeper	Withem
Chambers	Hefner	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Hannibal

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 582A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 582, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Schimek
Ashford	Coordsen	Johnson, R.	Moore	Schmit
Baack	Crosby	Korshoj	Morrissey	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Beck	Elmer	Labedz	Peterson	Warner
Bernard-Stevens	Goodrich	Lamb	Pirsch	Wehrbein
	Haberman	Landis	Robak	Weihing
Beyer	Hall	Lindsay	Rogers	Wesely
Byars	Hartnett	Lynch	Schellpeper	Withem
Chambers	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Hannibal Langford

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 608.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1419, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the contents of surety bonds for dealers as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Conway	Hefner	Lynch	Schellpeper
Ashford	Coordsen	Johnson, L.	McFarland	Schimek
Baack	Crosby	Johnson, R.	Moore	Schmit
Barrett	Dierks	Korshoj	Morrissey	Scofield
Beck	Elmer	Kristensen	Nelson	Smith
Bernard-Stevens	Goodrich	Labedz	Peterson	Warner
	Haberman	Lamb	Pirsch	Wehrbein
Beyer	Hall	Landis	Robak	Wesely
Byars	Hannibal	Langford	Rogers	Withem
Chambers	Hartnett	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 637.

A BILL FOR AN ACT relating to elections; to amend sections 32-704, 32-705, 49-1461, and 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding the filing of initiative and referendum petitions; to provide deadlines for filing such petitions; to change a provision relating to the payment of petition

circulators; to provide for the filing of campaign statements 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, 33:

Baack	Dierks	Hefner	Lindsay	Schmit
Barrett	Elmer	Johnson, L.	Lynch	Scofield
Bernard-Stevens	Goodrich	Johnson, R.	McFarland	Warner
Chambers	Haberman	Kristensen	Morrissey	Wehrbein
Conway	Hall	Labedz	Robak	Weihing
Coordsen	Hannibal	Landis	Schellpeper	Withem
	Hartnett	Langford	Schimek	

Voting in the negative, 15:

Abboud	Beyer	Korshoj	Nelson	Rogers
Ashford	Byars	Lamb	Peterson	Smith
Beck	Crosby	Moore	Pirsch	Wesely

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 777.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-164.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the shipment of alcoholic liquor 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	Coordsen	Johnson, R.	McFarland	Schimek
Ashford	Dierks	Korshoj	Moore	Schmit
Baack	Elmer	Kristensen	Morrissey	Scofield
Barrett	Goodrich	Labedz	Nelson	Smith
Beck	Haberman	Lamb	Peterson	Warner
Bernard-Stevens	Hall	Landis	Pirsch	Wehrbein
	Hannibal	Langford	Robak	Weihing
Beyer	Hartnett	Lindsay	Rogers	Wesely
Byars	Hefner	Lynch	Schellpeper	Withem
Conway	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Crosby

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 790.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-312 and 16-404, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to voting by the mayor; and to repeal the original sections.

Whereupon the 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	Beyer	Elmer	Johnson, L.	Langford
Ashford	Byars	Goodrich	Johnson, R.	Lindsay
Baack	Chambers	Haberman	Korshoj	Lynch
Barrett	Conway	Hall	Kristensen	McFarland
Beck	Coordsen	Hannibal	Labedz	Moore
Bernard-Stevens	Crosby	Hartnett	Lamb	Morrissey
	Dierks	Hefner	Landis	Nelson

Peterson	Rogers	Schmit	Warner	Wesely
Pirsch	Schellpeper	Scofield	Wehrbein	Withem
Robak	Schimek	Smith	Weihing	

Voting in the negative, 0.

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 99.

A BILL FOR AN ACT relating to the Uniform Commercial Code -- Investment Securities; to amend sections 1-201, 5-114, 8-102 to 8-106, 8-201 to 8-208, 8-301 to 8-320, 8-401 to 8-406, 9-103, 9-105, 9-203, 9-302, 9-304, 9-305, 9-309, and 9-312, Uniform Commercial Code; to redefine terms; to change provisions relating to investment securities; to harmonize provisions; to provide a duty 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	Coordsen	Hefner	Lynch	Schellpeper
Ashford	Crosby	Johnson, L.	McFarland	Schimek
Baack	Dierks	Korshoj	Moore	Schmit
Barrett	Elmer	Kristensen	Morrissey	Scofield
Beck	Goodrich	Labedz	Nelson	Smith
Bernard-Stevens	Haberman	Lamb	Peterson	Warner
	Hall	Landis	Pirsch	Wehrbein
Beyer	Hannibal	Langford	Robak	Wesely
Byars	Hartnett	Lindsay	Rogers	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johnson, R.

Excused and not voting, 2:

Chizek Weihing

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: 790, 777, 637, 608, 582A, 582, 548, 546, and 99.

GENERAL FILE

LEGISLATIVE BILL 761. Mr. Dierks reoffered his amendment, AM1133, found in the Journal on page 1694 and considered on page 1722.

Mr. Beyer and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Chambers	Coordsen	Dierks	Johnson, R.
Ashford	Conway	Crosby	Hannibal	Korshoj

Kristensen	Morrissey	Schimek	Smith	Wesely
McFarland	Rogers	Scofield	Warner	Withem
Moore	Schellpeper			

Voting in the negative, 24:

Baack	Beyer	Hartnett	Langford	Pirsch
Barrett	Byars	Hefner	Lindsay	Robak
Beck	Elmer	Johnson, L.	Lynch	Schmit
Bernard-Stevens	Goodrich	Lamb	Nelson	Wehrbein
	Hall	Landis	Peterson	Weihing

Absent and not voting, 1:

Haberman

Excused and not voting, 2:

Chizek Labedz

The Dierks amendment lost with 22 ayes, 24 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA168
Page 6, line 19, after the word "Nebraska." in the Schmit amendment (AM1401), add ", except that a municipality may select one member who is not a resident of Nebraska."

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 76.

GENERAL FILE

LEGISLATIVE BILL 761. The pending Chambers amendment, FA168, found in this day's Journal, was renewed.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Morrissey moved the previous question. The question is, "Shall the debate now close?"

Mr. Morrissey moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The motion to cease debate prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Johnson, R.	Landis	Robak	Schmit
Chambers	Korshoj	McFarland	Rogers	Scofield
Dierks	Kristensen	Morrissey	Schellpeper	Wesely
Hall	Lamb	Pirsch	Schimek	Withem
Hannibal				

Voting in the negative, 24:

Abboud	Conway	Haberman	Lindsay	Smith
Baack	Coordsen	Hartnett	Lynch	Warner
Barrett	Crosby	Hefner	Moore	Wehrbein
Beck	Elmer	Johnson, L.	Nelson	Weihing
Byars	Goodrich	Langford	Peterson	

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 3:

Beyer	Chizek	Labedz

The Chambers amendment lost with 21 ayes, 24 nays, 1 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1989, at 11:00 a.m., were the following bills: 546, 548, 582, 582A, 608, 637, 777, 790, and 99.

(Signed) Randy Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

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

Suspend Rule 8 Section 5 so as to permit consideration of LB 361 and LB 361A on Final Reading today.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Monday, May 8, 1989 1:30 p.m.
Ronald K. Woodle - Board of Public Roads Classifications and Standards
Kenney D. Allred - Motor Vehicle Industry Licensing Board

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

FA169

1. Insert a new section 1 to read as follows:

"Section 1. That section 44-392, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-392. It shall hereafter be unlawful for any bank, trust company, investment company, bank affiliate except as described by 12 USC §1843 (c)(8)(G) and operating in the State of Nebraska on January 1, 1989, or corporation, partnership or association, owned or controlled by any bank located in any incorporated city of this state having a population of two hundred thousand or over, to sell, write or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee or representative thereof. Any

such bank, trust company, investment company, bank affiliate, or corporation, partnership or association, owned or controlled by any bank, or any officer, agent, employee or representative thereof, who shall violate the provisions of this section shall be guilty of a Class II misdemeanor.".

2. On page 10, line 16, strike "44-2002" and insert "44-392, 44-2002,".

3. Renumber remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 240 in the Journal. No objections. So ordered.

AM1318

1. Strike the original sections and insert the following new sections:

"Section 1. The purpose of this act is to provide a statewide dual-party relay system for hearing-impaired or speech-impaired persons in Nebraska to enable such persons to communicate fully with others using conventional telephone systems twenty-four hours a day, seven days a week.

Sec. 2. For purposes of this act:

(1) Commission shall mean the Public Service Commission;

(2) Dual-party relay system shall mean a service that permits full and simultaneous communication between hearing-impaired or speech-impaired persons using specialized telecommunications equipment and others using conventional telephone equipment;

(3) Fund shall mean the Nebraska Telephone Relay System Fund; and

(4) Specialized telecommunications equipment shall mean any telecommunications device which enables hearing-impaired or speech-impaired persons to communicate using conventional telephone systems. Specialized telecommunications equipment shall include, but not be limited to, telecommunications devices for the deaf, signaling devices, and electronic artificial larynx devices.

Sec. 3. There is hereby created the Nebraska Telephone Relay System Fund. The fund shall be used to provide a statewide dual-party relay system. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections

72-1237 to 72-1276.

Sec. 4. Beginning October 1, 1989, each telephone company in Nebraska shall collect a surcharge not to exceed ten cents per month on each telephone access line in Nebraska. The surcharge shall only be collected on the first one hundred telephone access lines per customer. The proceeds from the surcharge shall be credited to the fund. The telephone companies shall add the surcharge to each customer's local telephone bill and shall identify the surcharge separately on the bill. The telephone companies shall not be liable for any surcharge not paid by a customer and shall not be obligated to take legal action to collect the surcharge. Before September 1, 1989, and before September 1 each year thereafter, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the purposes of this act. After the hearing the commission shall set the surcharge at the level necessary to fund the statewide dual-party relay system for the following year plus a reasonable reserve. The surcharge shall be effective on October 1, 1989, and any changes in the rate shall become effective on October 1 following the change. In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

Sec. 5. The commission shall establish standards, procedures, and training specifications for the dual-party relay system and shall supervise the operation of the dual-party relay system to provide at least the following services to all hearing-impaired or speech-impaired persons living in Nebraska who possess specialized telecommunications equipment: (1) Statewide in-state calls with charges for long-distance calls billed to the person making the call in a manner which the commission determines will recover the cost of long-distance calls to the system; (2) out-of-state calls with charges billed to the person making the call; and (3) emergency calls. Any person using the system shall not be charged for access to the system other than charges billed for in-state and out-of-state long-distance service. The commission shall adopt and promulgate rules and regulations necessary for implementation of this act. The commission may enter

into contracts with other agencies or private organizations to operate the statewide dual-party relay system.

Sec. 6. The commission shall administer this act with the advice of a special committee appointed by the Commission for the Hearing Impaired. The special committee shall consist of seven members as follows: Two members shall be hearing-impaired persons, one of whom is deaf; one member shall be a speech-impaired person; one member shall represent the Public Service Commission; one member shall represent the telephone industry; one member shall represent the Commission for the Hearing Impaired; and one member shall represent the public.

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.".

VISITORS

Visitors to the Chamber were 80 fourth grade students and teachers from Anderson Grove Elementary, Omaha; ten seventh and eighth grade students and teacher from Berwyn; 11 eighth grade students and sponsor from Cedar Canyon School, Gering; 65 fourth and fifth grade students and sponsor from Robbins Elementary School, Omaha; and 66 fourth grade students and teacher from Skyline Elementary School, Elkhorn.

RECESS

At 11:56 a.m., on a motion by Mrs. Robak, 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. Chizek who was excused; and Messrs. Abboud, Ashford, Conway, R. Johnson, McFarland, Moore, Withem, Mmes. Labedz, and Pirsch who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 89036

DATE: April 17, 1989

SUBJECT: Construction and Validity of Legislative Bill 311 Providing for Amendment of the Nebraska Investment Finance Authority Act and the Wastewater Treatment Facilities Construction Act

REQUESTED BY: Sandra K. Scofield, State Senator
Legislative District No. 49

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your questions concerning proposed Legislative Bill 311 which provides for funding of projects from the Wastewater Treatment Facilities Construction Loan Fund.

The first question you have asked is whether the State would be "contracting a debt" by the State's obligation to repay loans with interest provided for in Section 6 of the proposed bill. This question is factual in nature and concerns the contracting of debt within the meaning of Article XIII, Section 1, of the Nebraska Constitution.

Article XIII, Section 1, of the Nebraska Constitution, in pertinent part, states:

> The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid;...

(Emphasis supplied.)

Section 6 of LB 311 would empower and authorize the Nebraska Investment Finance Authority to "make and undertake commitments to make loans to the Wastewater Treatment Facilities Construction Loan Fund to be used to make loans for wastewater treatment projects." It is our conclusion that the State would be contracting a

debt by pledging resources of the Fund to secure the repayments of loans to or deposits to the Fund.

The ancillary question you have raised is whether "the debt to NIFA would exceed in the aggregate $100,000.00?" We, of course, have no information or knowledge as to future contemplated commitments of the Fund. It does appear that the Nebraska Investment Finance Authority would be authorized by the Act to pledge resources which would in the aggregate exceed $100,000. Your related inquiry is that if the debt exceeded $100,000, would this violate the constitutional prohibition that the State may not contract debts to exceed in the aggregate $100,000.

In analyzing this question, it is important to note that the "Special Fund Doctrine" has been recognized by the Nebraska Supreme Court. This Doctrine generally sets out the principle that constitutional prohibitions regarding debt do not apply to indebtedness which would be payable from revenues derived from a "special fund" and not from general funds.

In State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), the court held that the Fund which provided for financing of low cost housing did not violate the prohibitions found within Article XIII of the Nebraska Constitution. In this case, the court recognized the "Special Fund Doctrine" and upheld the constitutionality of the Nebraska Mortgage Finance Fund. The rationale of the court was that the issuance of bonds provided under the Act did not constitute an extension of credit by the State in that no state funds were involved in the repayment of debt contemplated by the Act. The Nebraska Mortgage Finance Fund Act was construed as providing that the bonds were to be repaid out of revenue derived from the Fund and that no State appropriation, revenue, or tax would be used to repay the bonds.

In an earlier case, State ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88 (1968), the court considered the constitutionality of the Nebraska Clean Waters Commission Act which created the Nebraska Clean Waters Commission. This Act authorized issuance of bonds and making of loans to municipalities for water treatment projects and facilities. The court held specifically that the bonds and notes issued by the Commission were general obligations of the Commission, payable solely from funds of the Commission, and not a liability of the State. However, the court did note that the Act provided that other funds were available to make payment on the Commission's bonds. The other funds consisted of fees, charges, and appropriations, and to this extent, the court held that the Act violated the constitutional limitation on indebtedness.

Your inquiry presents very close questions in that plausible arguments may be advanced for upholding the validity of the proposed bill relating to the funding of projects from the Wastewater Treatment Facilities Construction Loan Fund. It may be contended that the Act does not violate the constitutional debt limitation because funds which may be used for loan security or bond repayment purposes have already been appropriated. The general rule is that an obligation for which an appropriation is made at the time of its creation from funds already in existence, or for which definite provision has been made, is not within the operation of a limitation of indebtedness provision. State ex rel. Douglas v. Thone, supra.

In State ex rel. Meyer v. Steen, 183 Neb. 297, 160 N.W.2d 164 (1968), a legislative act which authorized the construction of a state office building to be financed by revenue bonds, payable in part from the general revenue of the State, violated the constitutional limitation upon indebtedness as well as the constitutional provision against continuing appropriations. The court rejected the argument that the debt limitation provision of the Constitution was not applicable because the bonds and notes authorized were payable only from the State Game Fund and not from general taxation. The court considered this arrangement to be a form of financing which the constitutional provision was intended and stated:

> One purpose of the constitutional limitation upon state indebtedness is to prevent the anticipation of revenue by the creation of obligations to be paid from revenue to be received in future fiscal periods. Obligations which are to be paid from revenue subject to appropriation by future Legislatures are subject to the state debt limitation provision.

Id. at 300, 160 N.W.2d at 167.

It may not be concluded with certainty that the sources of state funds would be from existing appropriations. In reviewing the proposed bill, it is noted that the amounts of prospective obligations are not known; and for this reason, it is not known what amounts may be called upon or demands made upon the Fund. Accordingly, it may be concluded that the state funds which would be appropriated to the Fund would not be appropriations from funds or revenues currently in existence which would violate the constitutional prohibitions limiting debt.

The cases very briefly summarized in this Opinion do not uphold the validity of fund mechanisms which provide or authorize the use of state funds to secure loan obligations or pledges of "special funds" derived from state funds. Rather, to the extent the proposed acts would authorize this use of state funds, the acts have been held to violate the constitutional limitations regarding debt.

You also inquire whether pledging all or any part of the Fund and its assets to secure, directly or indirectly the loans, is the State pledging its credit and does this violate Article XIII, Section 3, of the Constitution of the State of Nebraska. Article XIII, Section 3, has generally been construed to be a prohibition to protect the State and its political subdivisions against financial involvement in private enterprise supposed to serve the "public good" but which are in fact dominated by private interest.

This constitutional provision prohibits public funds from being expended for a private as opposed to a public purpose. If the purposes served are public purposes, Article XIII, Section 3, is not violated. Authorities clearly settle that the vital point in all such appropriation is whether the purpose is public: and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not the means. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 234 (1976); United Community Services v. Omaha Nat. Bank, 162 Neb. 786, 77 N.W.2d 576 (1956). Since you have indicated that ". . . it is clear that the funding would serve a public purpose," there is no reason to further consider your question concerning whether Article XIII, Section 3, would be violated.

You further inquire whether the provisions of Neb.Rev.Stat. § 81-15,158 (1988 Cum.Supp.), as further amended by proposed Legislative Bill 623, would constitute a guarantee by the State of payment on the loan in the event a municipality defaults on a loan. It is noted that LB 623 has been passed by the Legislature and signed by the Governor. Thus, the provisions of the bill have become operative law. This office has not and cannot determine the constitutionality of operative law; accordingly, we do not respond to this question.

Your last inquiry is "If state general funds are contributed to the Wastewater Treatment Fund (which is pledged to repay bonds issued by NIFA) does this change NIFA's legal status as a quasi-public entity as defined by State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445 (1979)?" We have reviewed this case and do not find that the precise legal status was defined. The court generally declined to define the status of the Nebraska Mortgage Finance Fund (NIFA's predecessor) as an individual, association, or corporation but characterized the Fund as a governmental body related to state government over which the Legislature had some control.

In summary, it is our conclusion that Section 10 of the proposed bill which would authorize use of "All or any part of the fund or

assets thereof" to pay or secure the repayment of loans or deposits to the Fund would be violative of the constitutional limitations concerning indebtedness of the State. This conclusion is reached because the Fund would consist of more than loan, loan interest, and related payments. Sources of revenue to the Fund would also consist of state funds from legislative appropriations derived from state general revenues. Accordingly, it is the opinion of this office that to the limited extent proposed LB 311 authorizes use of state funds for payment or to secure indebtedness or obligations of the Fund, it is offensive to Article XIII, Section 1, of the Constitution of the State of Nebraska.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

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

GENERAL FILE

LEGISLATIVE BILL 761. Considered.

Mr. Chambers moved to indefinitely postpone LB 761.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending motion to indefinitely postpone.

Mr. Bernard-Stevens moved to reconsider the Chambers amendment, FA168, found in this day's Journal on page 1748.

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. Bernard-Stevens moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 24:

Ashford	Conway	Korshoj	McFarland	Schellpeper
Beck	Dierks	Kristensen	Morrissey	Schimek
Bernard-Stevens	Hall	Labedz	Nelson	Scofield
	Hartnett	Landis	Pirsch	Wesely
Chambers	Johnson, R.	Lindsay	Rogers	Withem

Voting in the negative, 23:

Abboud	Crosby	Hefner	Moore	Smith
Barrett	Elmer	Johnson, L.	Peterson	Warner
Beyer	Goodrich	Lamb	Robak	Wehrbein
Byars	Haberman	Langford	Schmit	Weihing
Coordsen	Hannibal	Lynch		

Excused and not voting, 2:

Baack Chizek

The Bernard-Stevens motion to reconsider lost with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Advanced to E & R for Review with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 544A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544,

Ninety-first Legislature, First Session, 1989; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM1385

(Amendments to AM1341)

1. On page 8, line 1, strike "of one hundred dollars"; and after the underscored period in line 2 insert "The fee shall be based on the size of the tank as follows:

(a) Less than two thousand five hundred gallons, twenty-five dollars per tank;

(b) Two thousand five hundred one to five thousand gallons, fifty dollars per tank;

(c) Five thousand one to seven thousand five hundred gallons, seventy-five dollars per tank; and

(d) Over seven thousand five hundred gallons, one hundred dollars per tank.".

GENERAL FILE

LEGISLATIVE BILL 591. Title read. Considered.

Standing Committee amendments, AM1031, found in the Journal on page 1353 for the Fifty-Third Day, were considered.

Mrs. Smith offered the following amendment to the Standing Committee amendments:

AM1394

(Amendments to Standing Committee amendments, AM1031)

1. On page 3, line 18, after "made" insert "regardless of the total number of days of live racing conducted in such year".

The Smith amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SPEAKER BARRETT PRESIDING

Mr. Chambers 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, 0 nays, and 23 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 591

Mr. Hall asked unanimous consent to expedite LB 591. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

FA170

P. 6, line 19, after the word "Nebraska" in the Schmit amendment (AM1401) adopted 4-17-89, insert "except that a municipality may select one member who is not a resident of Nebraska"

SELECT FILE

LEGISLATIVE BILL 89. Mr. Withem withdrew his pending motion, found in the Journal on page 1447, to indefinitely postpone.

Mr. Lynch renewed his pending amendment, AM1161, found in the Journal on page 1448.

The Lynch amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Moore renewed his pending amendment, AM1130, found in the Journal on page 1449.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore withdrew his pending amendment.

Mr. Lynch renewed his pending amendment, AM1377, found in the Journal on page 1732.

Mr. Conway offered the following amendment to the pending Lynch amendment:

AM1436

(Amendments to the Lynch amendments, AM1377)

1. Strike amendments 1 through 3 and insert the following new amendments:

"1. Strike section 5 and all amendments thereto.

2. On page 2, strike beginning with 'Phase' in line 1 through 'program' in line 4 and insert 'Program'; in line 5 strike '6' and insert '5'; in line 7 strike '(5)' and insert '(4)'; in line 14 strike '(6)' and insert '(5)'; in line 18 strike '(7)' and insert '(6)'; and in line 22 strike 'sections 5 and 6' and insert 'section 5'.

3. On page 4, strike beginning with 'The' in line 16 through the period in line 18.

4. On page 5, line 10, strike 'one-third' and insert 'sixty-hundredths'; strike lines 12 through 16; in line 17 strike '(d)' and insert '(c)' and strike 'twenty' and insert 'nineteen'; and in line 20 strike '(e)' and insert '(d)'.

5. On page 6, strike beginning with 'any' in line 4 through 'year' in line 6 and insert 'an amount'; and in line 23 strike 'Phase I and II'.

6. On page 7, line 6, strike 'Phase I or II'; and in line 22 strike 'sections 5 and 6' and insert 'section 5'.

7. Renumber the remaining sections accordingly.".

MRS. LABEDZ PRESIDING

Mr. Lynch requested a ruling of the Chair on whether the Conway amendment is germane to the Lynch amendment.

The Chair ruled the Conway amendment is not germane to the Lynch amendment.

Mr. Conway challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Conway withdrew his motion to overrule the Chair.

SPEAKER BARRETT PRESIDING

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Abboud requested a record vote on the Lynch amendment.

Voting in the affirmative, 26:

Abboud	Byars	Hall	Labedz	Robak
Ashford	Conway	Hartnett	Landis	Schimek
Baack	Crosby	Johnson, R.	Lindsay	Weihing
Beck	Dierks	Korshoj	Lynch	Wesely
Bernard-Stevens	Elmer	Kristensen	McFarland	Withem
	Goodrich			

Voting in the negative, 8:

Barrett	Lamb	Moore	Pirsch	Smith
Hefner	Langford	Nelson		

Present and not voting, 11:

Beyer	Hannibal	Peterson	Schellpeper	Warner
Coordsen	Johnson, L.	Rogers	Scofield	Wehrbein
Haberman				

Excused and not voting, 4:

Chambers	Chizek	Morrissey	Schmit

The Lynch amendment was adopted with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1434

(Amendments to the E and R amendments, AM7000)

1. Strike section 5 and all amendments thereto.

2. On page 2, strike beginning with "Phase" in line 1 through "program" in line 4 and insert "Program"; in line 5 strike "6" and insert "5"; in line 7 strike "(5)" and insert "(4)"; in line 14 strike "(6)" and insert "(5)"; in line 18 strike "(7)" and insert "(6)"; and in line 22 strike "sections 5 and 6" and insert "section 5".

3. On page 4, strike beginning with "The" in line 16 through the period in line 18.

4. On page 5, line 10, strike "one-third" and insert "sixty-hundredths"; strike lines 12 through 16; in line 17 strike "(d)" and insert "(c)" and strike "twenty" and insert "nineteen"; and in line 20 strike "(e)" and insert "(d)".

5. On page 6, strike beginning with "any" in line 4 through "year" in line 6 and insert "an amount"; and in line 23 strike "Phase I and II".

6. On page 7, line 6, strike "Phase I or II"; and in line 22 strike "sections 5 and 6" and insert "section 5".

7. Renumber the remaining sections accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1144

1. On page 18, line 24, after the period insert "The full faith and credit and the taxing power of the state are not pledged to the payment of such

bonds or the interest thereon.".

2. On page 19, line 25, after "mean" insert "(a)".

3. On page 20, strike the new matter in lines 1 through 5; reinstate the stricken matter in lines 5 and 6; and in line 6 after the reinstated "wastes" insert "and (b) the Nebraska Investment Finance Authority".

4. On page 22, strike beginning with "All" in line 14 through "the" in line 16 and insert "The"; and in line 17 strike the first comma.

Ms. Scofield asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1145

1. Strike original sections 11 to 14.

2. On page 27, line 23, after "81-15,149," insert "and"; and in lines 23 and 24 strike "81-15,152, and 81-15,153,".

3. Renumber the remaining section accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1425

1. On page 2, strike lines 14 through 18 and all amendments thereto and insert

"(3) Pregnant juvenile or vulnerable adult shall mean a person under eighteen years of age who is pregnant and a person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed and who is pregnant;".

2. On page 2, lines 7, 9, 10, 12, and 20; page 4, line 18; page 5, line 17; and page 6, line 6, strike "woman" and insert "juvenile or vulnerable adult".

3. On page 5, line 11, strike "pregnant woman's" and after "record" insert "of the pregnant juvenile or vulnerable adult"; and in line 12 strike "woman's" and after "death" insert "of the juvenile or vulnerable adult".

4. In the Standing Committee amendments,

AM1035:

a. On page 1, lines 3, 9, 11, 12, and 19; and page 2, lines 2, 9, 18, and 23, strike "woman" and insert "juvenile or vulnerable adult"; and

b. On page 1, line 17, strike "pregnant woman's" and after "interests" insert "of the pregnant juvenile or vulnerable adult".

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1426

1. On page 3, strike beginning with "personally" in line 1 through "made" in line 3.

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1428

1. On page 5, line 16, after "notification" insert ", and such authorization is notarized by a notary public".

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1427

1. In the Standing Committee amendments, AM1035, on page 2, strike beginning with the first comma in line 3 through line 4 and insert "appoint such counsel if she is not already represented by counsel.".

VISITORS

Visitors to the Chamber were 12 fourth through eighth grade students and teacher from Norfolk; 13 first through sixth grade students and teacher from Lawrence; and 46 fourth grade students and teachers from Bel Air Elementary School, Norfolk.

ADJOURNMENT

At 4:47 p.m., on a motion by Mrs. Beck, the Legislature adjourned until 9:00 a.m., Wednesday, April 19, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 19, 1989

LEGISLATIVE JOURNAL

SIXTY-EIGHTH DAY - APRIL 19, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 19, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. John P. Smeltzer, First-Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Scofield who was excused; and Messrs. Abboud, Conway, Landis, Moore, Morrissey, Schmit, Warner, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Seventh Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 234 in the Journal. No objections. So ordered.

AM1406

1. Strike original section 1 and insert the following new section:

"Section 1. That section 33-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

33-138. (1) Each member of a grand or petit jury in a district or county court shall receive for his or her services twenty dollars for each day ~~employed in the discharge of his or her duties and~~ such member is a sworn and impaneled juror or alternate juror. In counties having a population of sixty thousand inhabitants or more, each member of a grand or petit jury shall receive a per diem for travel expenses of six dollars for each day such member makes a trip to the court in the discharge of his or her jury duty. In counties having a population of less than sixty thousand inhabitants, each member of a grand or petit jury shall receive mileage at the rate provided in section 81-1176 for state employees for each mile necessarily traveled. No juror shall be entitled to pay for the days he or she is voluntarily absent or excused from service by order of the court. No juror shall be entitled to pay for Saturdays or holidays unless such juror is sworn and impaneled as a juror or alternate juror and is actually employed in the discharge of his or her duties as a juror on such days.

(2) In counties having a population of less than sixty thousand inhabitants, in the event that any temporary release from service, other than that obtained by the request of a juror, shall occasion an extra trip or trips to and from the residence of any juror or jurors the court may, by special order, allow mileage for such extra trip or trips.

(3) Payment of jurors for service in the district and county courts shall be made by the county.".

RESOLUTION

LEGISLATIVE RESOLUTION 77. Read. Considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 77 was adopted with 29 ayes, 0 nays, and 20 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 135.

A BILL FOR AN ACT relating to medical facilities; to amend section 23-343.02, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the salaries of board members of certain county medical 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:

Ashford	Conway	Hannibal	Langford	Rogers
Baack	Coordsen	Hartnett	Lindsay	Schellpeper
Barrett	Crosby	Hefner	McFarland	Schimek
Bernard-Stevens	Dierks	Johnson, L.	Moore	Wehrbein
	Elmer	Johnson, R.	Nelson	Weihing
Beyer	Goodrich	Kristensen	Peterson	Wesely
Byars	Haberman	Labedz	Robak	Withem
Chizek	Hall	Lamb		

Voting in the negative, 3:

Beck	Pirsch	Smith

Present and not voting, 2:

Chambers	Korshoj

Excused and not voting, 7:

Abboud	Lynch	Schmit	Scofield	Warner
Landis	Morrissey			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 206.

A BILL FOR AN ACT relating to collection agencies; to amend sections 45-606, 45-620, and 45-621, Reissue Revised Statutes of Nebraska, 1943; to provide for the fixing of certain fees; to provide maximum amounts for such fees; to provide duties for the Secretary of State; 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:

Ashford	Conway	Hartnett	Lindsay	Rogers
Baack	Coordsen	Hefner	Lynch	Schellpeper
Barrett	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Johnson, R.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Nelson	Wehrbein
	Goodrich	Kristensen	Peterson	Weihing
Beyer	Haberman	Labedz	Pirsch	Wesely
Byars	Hall	Lamb	Robak	Withem
Chizek	Hannibal	Langford		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Abboud	Morrissey	Schmit	Scofield	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 324.

A BILL FOR AN ACT relating to counties; to amend sections 77-1720, 77-1823, and 77-1825, Reissue Revised Statutes of Nebraska, 1943; to increase county fees for certain services 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	Chambers	Hall	Lamb	Robak
Ashford	Chizek	Hannibal	Langford	Rogers
Baack	Conway	Hartnett	Lindsay	Schellpeper
Barrett	Coordsen	Hefner	Lynch	Schimek
Beck	Crosby	Johnson, L.	McFarland	Smith
Bernard-Stevens	Dierks	Johnson, R.	Moore	Wehrbein
Beyer	Elmer	Korshoj	Nelson	Weihing
Byars	Goodrich	Kristensen	Peterson	Wesely
	Haberman	Labedz	Pirsch	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Landis	Morrissey	Schmit	Scofield	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 381.

A BILL FOR AN ACT relating to tractor testing; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Beyer	Dierks	Hefner	Langford
Ashford	Byars	Elmer	Johnson, L.	Lindsay
Baack	Chambers	Goodrich	Johnson, R.	Lynch
Barrett	Chizek	Haberman	Korshoj	McFarland
Beck	Conway	Hall	Kristensen	Moore
Bernard-Stevens	Coordsen	Hannibal	Labedz	Nelson
	Crosby	Hartnett	Lamb	Peterson

Pirsch	Rogers	Schimek	Wehrbein	Wesely
Robak	Schellpeper	Smith	Weihing	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Landis	Morrissey	Schmit	Scofield	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 392.

A BILL FOR AN ACT relating to schools; to require teacher and administrator certificate candidates to have a minimum amount of course work or the equivalent thereof in special education 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	Chambers	Haberman	Lindsay	Rogers
Ashford	Chizek	Hall	Lynch	Schellpeper
Baack	Conway	Hartnett	McFarland	Schimek
Barrett	Coordsen	Hefner	Moore	Smith
Beck	Crosby	Johnson, L.	Nelson	Wehrbein
Bernard-Stevens	Dierks	Johnson, R.	Peterson	Weihing
Beyer	Elmer	Kristensen	Pirsch	Wesely
Byars	Goodrich	Labedz	Robak	Withem

Voting in the negative, 2:

Lamb	Langford

Present and not voting, 2:

Hannibal	Korshoj

Excused and not voting, 5:

Landis	Morrissey	Schmit	Scofield	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 482.

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, 67-239 to 67-258, 67-260 to 67-265, 67-267 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.

Whereupon the 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	Chambers	Hannibal	Lindsay	Schellpeper
Ashford	Chizek	Hartnett	McFarland	Schimek
Baack	Conway	Johnson, L.	Moore	Smith
Barrett	Coordsen	Johnson, R.	Nelson	Warner
Beck	Crosby	Korshoj	Peterson	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Pirsch	Weihing
Beyer	Elmer	Labedz	Robak	Wesely
Byars	Goodrich	Lamb	Rogers	Withem
	Haberman	Langford		

Voting in the negative, 1:

Hefner

Present and not voting, 2:

Hall Lynch

Excused and not voting, 4:

Landis Morrissey Schmit Scofield

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: 482, 392, 381, 324, 206, and 135.

SELECT FILE

LEGISLATIVE BILL 89. Mr. Moore reoffered his amendment, AM1130, found in the Journal on page 1449, and considered on page 1762.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore withdrew his pending amendment.

Mr. Conway asked unanimous consent to replace his pending amendment, AM1434, found in the Journal on page 1764, with a substitute amendment. No objections. So ordered.

Mr. Conway offered the following substitute amendment:
AM1445

(Amendments to the E and R amendments, AM7000)

1. Strike sections 5 and 6 and all amendments to such sections and insert the following new section:

"Sec. 5. (1) Each provider shall certify to the department by September 1 of each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of

full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid less than the amounts prescribed in subdivision (b) of this section as regular compensation shall not be counted in the calculation;

(b)(i) In 1989-90, a full-time equivalent teacher paid at least sixteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(ii) In 1990-91, a full-time equivalent teacher paid at least seventeen thousand dollars but less than nineteen thousand dollars shall be counted as sixty-hundredths of one full-time equivalent teacher; and

(iii) In 1991-92 and thereafter, a full-time equivalent teacher paid at least eighteen thousand dollars but less than nineteen thousand dollars shall be counted as sixty-hundredths of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(d) A full-time equivalent teacher with a master's degree, regardless of his or her regular compensation, shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of program funds using the formula provided in subsection (4) of this section and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute an amount to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and to pay the employer's share of federal social

security and retirement benefit payments on such salary increases.".

2. On page 2, strike beginning with "Phase" in line 1 through "program" in line 4 and insert "Program"; in line 5 strike "6" and insert "5"; in line 7 strike "(5)" and insert "(4)"; in line 14 strike "(6)" and insert "(5)"; in line 18 strike "(7)" and insert "(6)"; and in line 22 strike "sections 5 and 6" and insert "section 5".

3. On page 7, line 6, strike "Phase I or II"; in line 18 strike "forty" and insert "twenty"; in line 20 strike "seventy-five" and insert "twenty"; and in line 22 strike "sections 5 and 6" and insert "section 5".

4. Strike the Lynch amendment, AM1377.

5. Renumber the remaining sections accordingly.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb offered the following amendment to the pending Conway amendment:

FA171

Page 3, line 11 following the period insert:

The amounts determined pursuant to this section shall be adjusted to reflect the sparsity factors prescribed in subsection (2) of section 79-1336.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

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 Lamb amendment lost with 12 ayes, 21 nays, 10 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. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The pending Conway amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Education
Brenda J. Council - Coordinating Commission for Postsecondary Education

Government, Military and Veterans Affairs
Phyllis Anstine - Crime Victims Reparations Committee

Health and Human Services
Shirley J. Howell - Advisory Committee to Departments of Social Services, Public Institutions, and Corrections

Transportation
Kenney D. Allred - Motor Vehicle Industry Licensing Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1989, at 10:11 a.m., were the following bills: 135, 206, 324, 381, 392, and 482.

(Signed) Randy Tippin, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 79. Introduced by Abboud, 12th District; Chizek, 31st District.

WHEREAS, World Children's Day, held annually the fourth Sunday in April, was established to give children an opportunity to speak up about issues related to their futures; and

WHEREAS, Bryan Elementary School, a member of Millard Public Schools, was selected to represent Nebraska at World Children's Day, April 23, 1989, at the United Nations General Assembly in New York City; and

WHEREAS, Bryan Elementary School will display a notebook highlighting Friendship Week which was sponsored by the Bryan Student Council; and

WHEREAS, the students, staff, and families of Bryan Elementary School should be commended for this prestigious honor.

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

1. That the Legislature congratulates Bryan Elementary School on its selection as Nebraska's representative at World Children's Day.

2. That a copy of this resolution be sent to Jed K. Johnston, Principal, Bryan Elementary School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 89. Mr. Coordsen withdrew his pending amendment, FA166, found in the Journal on page 1733.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway withdrew his pending amendment, AM1434, found in the Journal on page 1764.

Mr. Lamb offered the following amendment:
AM1449

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $20,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $20,000,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the School Foundation and Equalization Fund, which fund is hereby appropriated to the State

Department of Education. The appropriations made in this section shall be distributed as state aid to education pursuant to the School Foundation and Equalization Act and shall be in addition to any other appropriation for such purpose. The appropriations made in this section shall be used to fully fund the provisions of (a) section 79-1334, not to exceed sixty percent of the $20,000,000, (b) section 79-1340, and (c) section 79-1339.".

Mr. Goodrich offered the following amendment to the pending Lamb amendment:
FA172
Strike lines 1 thru 3.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich withdrew his pending amendment.

Mr. Abboud 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. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Elmer	Johnson, L.	Peterson	Smith
Barrett	Haberman	Lamb	Rogers	Warner
Coordsen	Hannibal	Langford	Schellpeper	Wehrbein
Dierks	Hefner	Nelson		

Voting in the negative, 26:

Ashford	Chambers	Hartnett	Lindsay	Robak
Baack	Chizek	Johnson, R.	Lynch	Schimek
Beck	Conway	Kristensen	McFarland	Weihing
Bernard-Stevens	Crosby	Labedz	Moore	Wesely
	Goodrich	Landis	Pirsch	Withem
Byars	Hall			

Excused and not voting, 5:

Beyer Korshoj Morrissey Schmit Scofield

The Lamb amendment lost with 18 ayes, 26 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

MOTION - Recess

Mr. Lynch moved to recess. The motion lost with 17 ayes, 24 nays, and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 89. Mrs. Smith offered the following amendment:
FA173

to Amend LB 89, amendments to the Conway AM1445

On pg. 1 line 17 strike "sixteen" and insert "fourteen", line 19 strike "sixty-hundredths" and insert "eighty-hundredths".

On p 2 line 2 strike "seventeen" and insert "sixteen", line 4 strike "sixty-hundredths" and insert "eighty-hundredths"

On p 2 line 7 strike "eighteen" and insert "seventeen", line 9 strike "sixty-hundredths" and insert "eighty-hundredths".

Pending.

VISITORS

Visitors to the Chamber were 47 students and teacher from Central High School, Omaha; 44 students and teachers from Joslyn Elementary School, Omaha; 44 fourth grade students and sponsor from Norfolk; Ted and Ruth Richling from Omaha; Senator Korshoj's sisters, Betty Megrue from Blair and Marilyn Jackson from Fremont, his niece, Kathy Megrue from Lincoln, and Mabel Harris from Blair and Mary Harkless from Fremont; Denny and Norma Marienau from Omaha; 50 fourth grade students and teacher from Christ Lutheran School, Norfolk; 75 seventh and eighth grade

students and sponsor from St. Bernard's School, Omaha; and Don and Rose Waznick from Benedict.

RECESS

At 12:11 p.m., on a motion by Mr. Haberman, 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 Ms. Scofield who was excused; and Messrs. Hall, McFarland, Schmit, and Wesely who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 89. The pending Smith amendment, FA173, found in this day's Journal, was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mrs. Smith moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Coordsen	Hefner	Lamb	Nelson	Rogers
Dierks	Johnson, L.	Langford	Peterson	Schellpeper
Elmer	Korshoj	McFarland	Pirsch	Wehrbein
Haberman				

Voting in the negative, 24:

Abboud	Bernard-Stevens	Chambers	Crosby	Hannibal
Baack	Beyer	Chizek	Goodrich	Hartnett
		Conway	Hall	Kristensen

Labedz	Lynch	Schimek	Warner	Wesely
Landis	Robak	Smith	Weihing	Withem
Lindsay				

Present and not voting, 7:

Ashford	Beck	Johnson, R.	Moore	Morrissey
Barrett	Byars			

Excused and not voting, 2:

Schmit	Scofield

The Smith amendment lost with 16 ayes, 24 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
FA174
Help Education Lead to Prosperity Act shall terminate on June 30, 1991, unless reenacted or reestablished by the Legislature.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

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. Haberman moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Dierks	Korshoj	Nelson	Smith
Barrett	Elmer	Labedz	Peterson	Warner
Beyer	Haberman	Lamb	Rogers	Wehrbein
Byars	Hefner	Langford	Schellpeper	Weihing
Coordsen	Johnson, L.	Moore		

Voting in the negative, 22:

Ashford	Chambers	Hall	Lynch	Robak
Baack	Chizek	Hartnett	McFarland	Schimek
Beck	Conway	Johnson, R.	Morrissey	Wesely
Bernard-Stevens	Crosby	Landis	Pirsch	Withem
	Goodrich	Lindsay		

Present and not voting, 1:

Hannibal

Excused and not voting, 3:

Kristensen Schmit Scofield

The Haberman amendment lost with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Korshoj asked unanimous consent to be excused until he returns. 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.

Mr. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Ashford	Chizek	Hartnett	Lynch	Schimek
Baack	Conway	Hefner	McFarland	Smith
Beck	Crosby	Johnson, R.	Moore	Wehrbein
Bernard-Stevens	Elmer	Kristensen	Nelson	Weihing
	Goodrich	Labedz	Pirsch	Wesely
Beyer	Haberman	Landis	Robak	Withem
Byars	Hall	Lindsay	Schellpeper	

Voting in the negative, 7:

Barrett	Johnson, L.	Peterson	Rogers	Warner
Hannibal	Lamb			

Present and not voting, 7:

Abboud Coordsen Korshoj Langford Morrissey
Chambers Dierks

Excused and not voting, 2:

Schmit Scofield

Advanced to E & R for Engrossment with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointment Wednesday, April 26, 1989 1:30 p.m.
Floyd P. Vrtiska - Environmental Control Council

(Signed) Loran Schmit, Chairperson

Education

Governor Appointment Thursday, April 27, 1989 1:15 p.m.
Brenda Council - Coordinating Commission For Postsecondary Education

(Signed) Ron Withem, Chairperson

SELECT FILE

LEGISLATIVE BILL 89A. E & R amendments, AM7001, found in the Journal on page 1336 for the Fifty-Third Day, were adopted.

Mr. Lynch renewed his pending amendment, AM1124, found in the Journal on page 1390.

The Lynch amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Lynch withdrew his pending amendment, AM1353, found in the Journal on page 1732.

Mrs. Smith offered the following amendment:
AM1158

1. On page 2, line 2, strike "$40,000,000" and insert "$20,000,000"; and in line 3 strike "$75,000,000" and insert "$20,000,000".

The Smith amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Lynch offered the following amendment:
FA175
On page 1, line 21 strike "10,900" and insert "6,100"
On page 2, line 1 strike "10,900" and insert "6,100"

The Lynch 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.

ATTORNEY GENERAL'S OPINION

Opinion No. 89037

DATE: April 18, 1989

SUBJECT: Constitutionality of the Financial Support Provisions of LB 183, as amended - Open Enrollment Option for Nebraska Public School Students

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested us to reexamine the conclusions reached in Attorney General Opinion No. 89-017, issued on March 20, 1989, in light of the recent Select File Amendment to LB 183 (AMO 861). Under this new amendment, financial support would be provided to school districts accepting students exercising the option to enroll in a district other than their district of residence by requiring the resident district to remit to the option district an amount equal to the state school aid provided for each option student based on the rates established pursuant to Neb.Rev.Stat. §§79-1334 and 79-1336 (Reissue 1987).

In our previous opinion, we expressed some concern as to whether the funding mechanism established to reimburse option districts for additional costs incurred in educating non-resident students could, in operation, result in a situation wherein taxpayers in option districts could be compelled to pay additional taxes to support such increased costs in the event the option district did not receive sufficient funds to cover added costs incurred by an option district accepting non-resident students. Our reference to this potential issue was based on a series of Nebraska cases in which the Nebraska Supreme Court has held that it is a violation of the constitutional requirement of uniformity of taxation (Neb. Const., Art. VIII, Section 1), as well as the constitutional prohibition against the commutation of taxes (Neb. Const., Art. VIII, Section 4), to compel taxpayers of one taxing district to pay taxes which are for the sole benefit of citizens of another taxing district. Peterson v. Hancock, 155 Neb. 80, 54 N.W.2d 85 (1952); Peterson v. Anderson, 100 Neb. 149, 158 N.W. 1055 (1916); Wilkinson v. Lord, 85 Neb. 136, 122 N.W. 699 (1909) High School District v. Lancaster County, 16 Neb. 147, 82 N.W. 380 (1900). As we pointed out, our concern in this regard was based on the possibility that the provisions of the bill could, in application, violate these constitutional provisions. We did not, however, conclude that the financial support provisions previously contained in LB 183 rendered the bill unconstitutional on its face.

In responding to your request to reexamine this issue in view of the recently adopted Select File Amendment to LB 183, we believe it is appropriate to analyze this matter in light of pertinent Nebraska Supreme Court decisions discussing the constitutionality of statutory provisions dealing with nonresident high school tuition. We believe these decisions will provide a framework for discussion of whether the provisions of LB 183, as currently amended, remove the potential constitutional defect noted in our prior opinion as to the operation of the financial support provisions of the bill.

In Mann v. Wayne County Board of Equalization, 186 Neb. 752, 186 N.W.2d 729 (1971) {"Mann"}, the court addressed a challenge to the constitutionality of a statute providing for the method of determining the tuition rate for nonresident high school students. The statute provided that the tuition rate was to be no less than the "average cost per pupil" of the receiving district for the previous year. "Cost per pupil", in turn, was required by statute to be determined by a formula which mandated consideration of specific elements of cost. Id. at 754-55, 186 N.W.2d at 732. Relying upon the principle that taxpayers of one taxing district cannot be required to pay taxes which are for the sole benefit of citizens in another taxing district, the plaintiffs contended the nonresident tuition payments required under

these statutory provisions violated Article VIII, Sections 1 and 4, of the Nebraska Constitution, providing for uniformity of taxation and forbidding commutation of taxes, asserting that any nonresident tuition assessed at a rate above the actual per pupil cost of the receiving high school district constituted an unlawful exaction for the benefit of taxpayers of the receiving district. Id. at 756, 186 N.W.2d at 732-33.

Discussing the constitutional challenge raised by the plaintiffs in Mann, the court reiterated its long-standing position that "...a statute which provides for the raising of revenue for nonresident high school tuition which places a substantially unequal tax burden on either the district which receives the nonresident students or the district which sends them {is} discriminatory." Id. at 757, 186 N.W.2d at 733. (Citations omitted). Rejecting the contention that any difference between the nonresident tuition rate established under the statutory formula and the actual cost per pupil resulted in a violation of the constitutional principle of uniformity and the prohibition against the commutation of taxes, the court stated:

> The appellants assert that any variation between the tuition rate and the actual per pupil cost creates a tax discrimination against either the receiving school district or the tuition paying district and is therefore unconstitutional as to one or the other. The logical result of this argument would be that any statute which might permit any variance at even one high school would be unconstitutional.... Tuition rates are always prospective and in a period of rapidly increasing costs, even a complete and accurate cost figure is outdated before it becomes effective. Many cost items can only be determined by using figures which are, in some degree, arbitrary. Exact equalization is impossible to achieve in any area of taxation, but particularly in this sensitive area of school operations. Section 79-4, 102, R. S. Supp., 1969, does not violate constitutional requirements of tax uniformity, nor constitute a commutation of taxes.

Id. at 757-58, 186 N.W.2d at 733-34.

Upholding the validity of the statutory formula for nonresident tuition at issue in Mann, the court concluded as follows:

> A reasonable interpretation of section 79-4,102, R. S. Supp., 1969, is that it allows each individual high school district receiving nonresident students to determine, as accurately as is possible, the per pupil cost of high school education in its district and to certify a tuition rate for nonresident high school students based upon the average per pupil cost of high school education for the district, not less than the average per pupil cost for the preceding school year.

Id. at 759-60, 186 N.W.2d at 734.

Recently, in Ewing v. Scotts Bluff County Board of Equalization, 227 Neb. 798, 420 N.W.2d 685 (1988) {"Ewing"}, the Nebraska Supreme Court addressed a similar constitutional challenge to a more recent version of the statutory formula contained in Neb.Rev.Stat. §79-4,102 for determining nonresident high school tuition rates. The plaintiffs in Ewing asserted, in part, that the nonresident high school tuition formula in §79-4,102 was unconstitutional on its face in that it allowed nonresident tuition charges to exceed the actual per pupil cost of educating students received by the high school district, resulting in a violation of the requirement of uniformity of taxation. Id. at 812, 420 N.W.2d at 693-94. Citing to the prior decision in Mann, the court rejected the plaintiffs facial challenge to §79-4,102, stating:

> There can be no disagreement as to the underlying principle that Neb. Const. art. VIII, §1, requires that taxes shall be levied "uniformly and proportionately." In Mann v. Wayne County Board of Equalization, 186 Neb. 752, 757, 186 N.W.2d 729, 733 (1971), we stated: "{A} statute which provides for the raising of revenue for nonresident high school tuition which places a substantially unequal tax burden on either the district which receives the nonresident students or the district which sends them would be discriminatory". Plaintiffs contend that any tuition charges, other than the per pupil cost for each student educated in the school year in question, are invalid. In earlier years, as noted in the Mann case at 757, 186 N.W.2d at 733, "historically under a fixed tuition rate, it was cheaper for a taxpayer to live in a district which paid tuition than it was to live in the receiving district." The Legislature provided, in §79-4,102, for a way of calculating a nonresident tuition charge which is designed to compensate the receiving districts for maintaining a high school which the sending districts may utilize when they have children of high school age who claim their constitutional right to "free instruction in the common schools."
>
> * * *
>
> The Legislature is getting away from a flat, per-student charge and attempting to establish a basis for the sharing of the common goal of educating our children through high school. That effort is not per se unconstitutional because it departs from a calculation based on per-pupil cost alone.
>
> * * *
>
> ...{T}he statute authorizes a tuition charge higher than the per-pupil cost as determined in years past. It is not necessarily unconstitutional for the Legislature to give weight to the fact that receiving districts have erected and maintained a school system,

> providing for physical buildings and staffing, available to furnish constitutionally required high school education over long periods of time, although some taxpayers from sending districts wish to pay only for the sporadic actual utilization of the facilities. The setting of rates beyond per-pupil costs is not per se unconstitutional. Mann v. Wayne County Board of Equalization, supra.

Id. at 812-14, 420 N.W.2d at 694-95. (Emphasis added).

In addition, the court in Ewing also found the claim that §79-4,102 was unconstitutional as applied to be without merit, stating:

> ...{P}laintiffs premise their contention on the proposition that any amount, other than the precise per-pupil charge for each pupil actually educated in the receiving high school, is unconstitutional. As we have stated above, §79-4,102 is not unconstitutional, per se, merely because it set a rate higher than per-pupil cost as historically calculated. Plaintiffs have not shown the detailed formula set out in §79-4,102 to be discriminatory, in practice.

Id. at 814, 420 N.W.2d at 695. (Emphasis added).

Based on the decisions in Mann and Ewing, it is evident that, in the area of taxation resulting from the application of statutory formulas applied to determine rates for nonresident high school tuition, the court has adopted the view that "absolute preciseness" in accordance with the principle of uniformity is not required. Ewing, 227 Neb. at 813, 420 N.W.2d at 694. While rejecting the notion that rates for nonresident high school tuition may not differ from or exceed(1) the per-pupil cost of the attending high school district, it is nevertheless clear that the court continues to adhere to the position that a statutory formula providing for the raising of revenue for nonresident high school tuition which places a "substantially unequal" tax burden on either the receiving district or the sending district would be unconstitutionally discriminatory. Mann, 186 Neb. at 757, 186 N.W.2d at 733 Ewing, 227 Neb. at 812, 420 N.W.2d at 694. In essence, the court has adopted an approach requiring that the formula designed to determine the rate of nonresident high school tuition must not be structured in such a manner as to place a "substantially unequal" tax burden on residents of either the receiving or sending district.

Under LB 183, as currently amended, any cost to the option district incurred by virtue of acceptance of nonresident students exercising the open enrollment option is to be funded by requiring the sending district to remit to the option district the amount of per-pupil state school aid received by the sending district under the rates established pursuant to Neb.Rev.Stat. §§79-1334 and 79-1336 (Reissue 1987). Figures supplied by the State Department of

Education indicate that the average per pupil cost for all school districts in the state for the 1987-88 school year was $3,037.50 for elementary students (kindergarten to grade 6) and $4,247.94 for secondary students (grades 7 to 12). It is contemplated that the maximum amounts which may be distributed per pupil to any school district from the School Foundation and Equalization Fund for 1989-90 will be as follows: $1,372.00 per pupil for grades 1 to 6; $1,646.40 per pupil for grades 7 and 8; and $1,920.80 per pupil for grades 9 to 12. Given the disparities in these figures, it is questionable whether the payment of state aid funds received by sending districts will be sufficient to offset increased costs incurred by option districts receiving nonresident students. Obviously, the state aid component of supporting the cost of public education provided under §§79-1334 and 79-1336 represents only a part of the total cost of educating a student in any school district in the state. To the extent that the funding mechanism under LB 183 does not, in operation, adequately compensate the option district for the cost of educating additional students accepted under open enrollment, taxpayers in option districts receiving payments from sending districts based on the state aid formulas established under §§79-1334 and 79-1336 may be compelled to pay increased taxes if such funds do not cover the total added cost incurred in educating option students. The existence of such a situation would violate the principle of uniformity, and would operate to unconstitutionally release or discharge taxpayers of the district in which the option student resides from a portion of the tax obligation imposed for the education of students from the resident district.

In sum, our purpose in noting this potential constitutional defect is to point out that, in application, the financing provisions of LB 183 may operate in violation of certain constitutional provisions. The ultimate question which must be considered in adopting a funding mechanism under legislation of this nature is whether, in operation, the scheme chosen may result in the imposition of "substantially unequal" local tax burdens on property taxpayers in receiving districts in comparison with property taxpayers in option districts. The existence of any such unreasonable disparity which may arise under implementation of LB 183 could result in unconstitutional discrimination in the event the bill operates to create such a situation in relation to particular school districts. The Nebraska Supreme Court's decisions in Mann and Ewing, requiring tax burdens on receiving and sending districts to remain "substantially" equal in the area of raising revenue for nonresident high school tuition, indicate that, while absolute precision in accordance with the principle of uniformity is not required in this area, substantial disparities in tax

burdens between districts will not be upheld. To the extent such potential disparities in taxation could arise by virtue of implementation of LB 183, the funding provisions of the bill could be subject to constitutional challenge by taxpayers of an affected school district on this basis.

(1) The decision in Ewing specifically approved the adoption of a formula which resulted in the imposition of a nonresident high school tuition charge on sending districts which was higher than the per pupil cost of the receiving district. 227 Neb. at 812-14, 420 N.W.2d at 694-95.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

7-114-13

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 262. Mr. Beyer requested a machine vote on the advancement of the bill.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Conway	Johnson, R.	Lynch	Schellpeper
Baack	Coordsen	Kristensen	Moore	Schmit
Beck	Goodrich	Labedz	Morrissey	Weihing
Bernard-Stevens	Hall	Langford	Nelson	Wesely
Chizek	Hartnett	Lindsay	Pirsch	Withem

Voting in the negative, 19:

Barrett	Dierks	Johnson, L.	McFarland	Schimek
Beyer	Elmer	Korshoj	Peterson	Warner
Byars	Haberman	Lamb	Robak	Wehrbein
Chambers	Hefner	Landis	Rogers	

Present and not voting, 4:

Abboud	Crosby	Hannibal	Smith

Excused and not voting, 1:

Scofield

Advanced to E & R for Engrossment with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 569. E & R amendments, AM7018, found in the Journal on page 1432 for the Fifty-Seventh Day, were adopted.

Messrs. Peterson and Schellpeper renewed their pending amendment, AM1107, found in the Journal on page 1560.

Messrs. Kristensen, Haberman, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a ruling of the Chair on whether the Peterson-Schellpeper amendment is germane to the bill.

The Chair ruled the Peterson-Schellpeper amendment is not germane to the bill.

Mr. Peterson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Peterson withdrew his motion to overrule the Chair.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 606. E & R amendments, AM7006, found in the Journal on page 1435 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 628. E & R amendments, AM7005, found in the Journal on page 1435 for the Fifty-Seventh Day, were adopted.

Messrs. Wesely and Morrissey moved to indefinitely postpone LB 628.

Messrs. Rogers, Withem, and Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers asked unanimous consent to bracket LB 628 until April 26, 1989. No objections. So ordered.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 681. E & R amendments, AM7020, found in the Journal on page 1436 for the Fifty-Seventh Day, were adopted.

Mr. Lindsay renewed his pending amendment, AM1261, found in the Journal on page 1570.

Messrs. Korshoj and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 78. E & R amendments, AM7010, found in the Journal on page 1437 for the Fifty-Seventh Day, were adopted.

Mr. R. Johnson moved to suspend the rules, Rule 7 § 3(d) to permit consideration of AM1142 to LB 78.

The R. Johnson motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The R. Johnson amendment, AM1142, found in the Journal on page 1417, was considered.

The R. Johnson amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 438. E & R amendments, AM7008, found in the Journal on page 1438 for the Fifty-Seventh Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 438A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 591. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7062.)

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

FA176

1. Insert the following new section:

"Sec. 32. It is the intent of the legislature that if the recommendations of the contractor contained in the report to the Legislature required pursuant to subsection (2) of section 4 of this act are consistant with the implementation of sections 6 to 31 of this act, the Ninety-first Legislature, Second Session, shall review and consider amending all or part of sections 6 to 31 this act in conformance with such recommendations."

2. In the Warner amendment, AM1114, on page 22, line 7 strike "85-194," and strike "and"; and in line 19 strike "85-194,".

3. In the E and R amendment:

a. On page 1, line 4, after "to" insert "30,"; and in line 5 strike "32, 34, and 35" and insert "31, 33, 35, and 36"; and

b. On page 2, line 12, strike "34" and insert "35"; in line 18 strike "33" and insert "34"; and in line 19 strike "36" and insert "37".

Mr. Warner asked unanimous consent to print the following amendment to LB 611 in the Journal. No objections. So ordered.

FA177
Amend AM1222
"or correct AM" by striking new language in Sec. 79-1330 - 79-1344.01 "which act shall terminate on June 30, 1991 unless reenacted or reestablished by the Legislature"

VISITORS

Visitors to the Chamber were 53 fourth grade students from Washington Elementary School, Norfolk; 54 first through sixth grade students and teachers from Uehling; 23 eighth grade students and teacher from East Catholic Middle School, St. Helena; and 30 sixth grade students and teacher from St. Peter and St Paul, Seneca, Kansas.

ADJOURNMENT

At 4:33 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Thursday, April 20, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 20, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 20, 1989

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gordon Harmon, Word of Life Church, Columbus, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Conway, and R. Johnson who were excused; and Messrs. Abboud, Goodrich, Haberman, Hartnett, Lindsay, Moore, Wesely, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Eighth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers 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: LR 77.

NOTICE OF COMMITTEE HEARING
Natural Resources

correction

Governor Appointment Wednesday, April 26, 1989 8:30 a.m.
Floyd P. Vrtiska - Environmental Control Council

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 591. E & R amendments, AM7062, printed separately from the Journal and referred to on page 1795 for the Sixty-Eighth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 710. Mr. Schmit moved to indefinitely postpone.

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.

The Schmit motion to indefinitely postpone lost with 9 ayes, 22 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
FA178
strike lines 1 through 16, as amended by the Scofield amendment.

Mr. Schmit requested a record vote on his amendment.

Voting in the affirmative, 8:

Elmer	Labedz	Robak	Schmit	Weihing
Hall	Langford	Rogers		

Voting in the negative, 20:

Beck	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Hefner	Landis	Schellpeper	Warner
Beyer	Johnson, L.	Moore	Schimek	Wesely
Crosby	Korshoj	Morrissey	Scofield	Withem

Present and not voting, 15:

Baack	Chambers	Haberman	Lindsay	Peterson
Barrett	Chizek	Hannibal	Lynch	Pirsch
Byars	Coordsen	Lamb	McFarland	Wehrbein

Excused and not voting, 6:

Abboud	Conway	Goodrich	Hartnett	Johnson, R.
Ashford				

The Schmit amendment lost with 8 ayes, 20 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Peterson 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 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 5 nays, 11 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 80. Introduced by Bernard-Stevens, 42nd District.

PURPOSE: The purpose of this resolution is to examine adolescent inpatient chemical dependency treatment.

In 1980 the Legislature appropriated two hundred seventy thousand dollars to the Department of Public Institution's fiscal year 1980-81 budget for alcohol treatment programs for persons under twenty years of age. To fulfill this requirement the Department of Public Institutions contracted for adolescent residential treatment programs. Continuation funding was available through August 1984. The contract was discontinued at that time because of an interpretation that an agency receiving funding is obligated to accept all clients regardless of ability to pay.

Since the Legislature last addressed the issue of adolescent inpatient chemical dependency treatment the increased funding has become part of the base allocation for substance abuse aid. However, no additional youth inpatient services have been developed or maintained.

This study would include a review of available funding alternatives for adolescents in need of chemical dependency treatment, the current facilities offering adolescent inpatient chemical dependency treatment, the statutory conditions or limitations in contracting for such treatment, and all relevant data and reports of the Division on Alcoholism and Drug Abuse.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Chizek and Wesely asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1439

(Amendments to FA138)

1. Insert the following new section:

"Sec. 5. That section 44-4217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4217. The director shall, prior to November 15, 1985, give notice to all insurers of the time and place for the initial organizational meetings of the pool. The pool members shall select by December 31, 1985, the initial board of directors~~,~~ except the representative of the general public and the representative of the health agency who shall be appointed by the director. The board shall select one or more insurers to serve as administering insurer pursuant to section 44-4223. The selection of the board

of directors and the administering insurer shall be subject to the approval of the director.

If, by December 31, 1985, the board is not selected, the director shall appoint the initial board and appoint an administering insurer.".

2. On page 2, line 6, after "public" insert "and for the representative of the health agency".

3. On page 7, strike beginning with "Subsequent" in line 15 through the period in line 20 and show as stricken.

4. On page 8, line 17, strike "10" and insert "11"; and in line 23 after the first comma insert "44-4217,".

5. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 646. E & R amendments, AM7048, found in the Journal on page 1622 for the Sixty-Second Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 247. E & R amendments, AM7054, found in the Journal on page 1702 for the Sixty-Fifth Day, were adopted.

Mr. Wesely renewed his pending amendment, AM1350, found in the Journal on page 1645.

Mrs. Beck, Messrs. Lamb, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 9:

Coordsen Crosby Hefner Korshoj Moore

Morrissey	Schellpeper	Scofield	Wesely	

Voting in the negative, 27:

Baack	Byars	Hannibal	Lindsay	Smith
Barrett	Chambers	Johnson, L.	Nelson	Warner
Beck	Chizek	Kristensen	Robak	Wehrbein
Bernard-Stevens	Elmer	Labedz	Rogers	Weihing
	Goodrich	Landis	Schimek	Withem
Beyer	Hall	Langford		

Present and not voting, 6:

Haberman	Lynch	McFarland	Peterson	Pirsch
Hartnett				

Excused and not voting, 7:

Abboud	Conway	Johnson, R.	Lamb	Schmit
Ashford	Dierks			

The Wesely amendment lost with 9 ayes, 27 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 591.

(Signed) John C. Lindsay, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 591A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 591

Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 355A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 247. Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1367.)

SPEAKER BARRETT PRESIDING

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.

Ms. Scofield requested a record vote on the Wesely amendment.

Voting in the affirmative, 13:

Baack	Bernard-Stevens	Coordsen	Lynch	Pirsch
Beck	Beyer	Hartnett	Morrissey	Scofield
		Hefner	Peterson	Wesely

Voting in the negative, 21:

Barrett	Goodrich	Kristensen	Robak	Warner
Chambers	Haberman	Landis	Rogers	Wehrbein
Chizek	Hannibal	Langford	Schimek	Weihing
Crosby	Johnson, L.	Nelson	Smith	Withem
Elmer				

Present and not voting, 8:

Byars	Korshoj	Lindsay	Moore	Schellpeper
Hall	Labedz	McFarland		

Excused and not voting, 7:

Abboud	Conway	Johnson, R.	Lamb	Schmit
Ashford	Dierks			

The Wesely amendment lost with 13 ayes, 21 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were Morry and Audrey Nichols and Linda Paul from Geneva; 56 students and teacher from Westgate Elementary School, Omaha; Christopher Hale, Poster Child for Nebraska Speech and Hearing; 90 junior and senior high school students from Stromsburg, Utica, York, Benedict, and Waco; Darreld Saltzman from Shickley; 60 fourth grade students and teacher from Engleman Elementary School, Grand Island; 13 seventh and eighth grade students and teacher from Petersburg; and 62 fourth grade students and teachers from Grand Island.

RECESS

At 12:06 p.m., on a motion by Mr. Goodrich, 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. Ashford, Conway, and R. Johnson who were excused; and Messrs. Abboud, Bernard-Stevens, Coordsen, Lamb, Landis, Moore, Morrissey, Schmit, and Mrs. Beck who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Judiciary

Thursday, April 27, 1989, Room 1113 11:30 a.m.
Department of Corrections and Board of Parole Budget Review

(Signed) Jerry Chizek, Chairperson

SELECT FILE

LEGISLATIVE BILL 247. Mr. Wehrbein withdrew his pending amendment, FA176, found in the Journal on page 1795.

Mr. Wehrbein offered the following amendment:
AM1457

1. Insert the following new section:

"Sec. 32. It is the intent of the Legislature that if the recommendations of the contractor contained in the report to the Legislature required pursuant to subsection (2) of section 4 of this act are inconsistent with the implementation of sections 6 to 31 of this act, the Ninety-first Legislature, Second Session, shall review and consider amending all or part of sections 6 to 31 of this act in conformance with such recommendations.".

2. In the Warner amendment, AM1114, on page 22, line 7 strike "85-194," and strike "and"; and in line 19 strike "85-194,".

3. In the E and R amendment:

a. On page 1, line 4, after "to" insert "30,"; and in line 5 strike "32, 34, and 35" and insert "31, 33, 35, and 36"; and

b. On page 2, line 12, strike "34" and insert "35"; in line 18 strike "33" and insert "34"; and in line 19 strike "36" and insert "37".

Mr. Kristensen 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 Wehrbein amendment was adopted with 30 ayes, 2 nays, 5 present and not voting, and 12 excused and not voting.

Mr. Warner offered the following amendment:
AM1430

(Amendments to AM1114)

1. On page 2, line 21, before the comma insert "and shall include a reasonable fee set by and paid to the board of trustees to cover actual and necessary expenses incurred by the board of trustees for managing the bond program of the University of Nebraska at Kearney until all bonds which are outstanding as of January 1, 1991, and which were issued with respect to the leased facilities have matured and are retired".

2. On page 4, line 4, after "sections" insert ", to make appropriate provisions with respect to existing debt obligations, including revenue bonds, of the board of trustees and the Nebraska State Colleges Facilities Corporation pertaining to Kearney State College,"; and in line 6 after the period insert "The board of trustees, acting as a corporation for the revenue bond program for Kearney State College or the Nebraska State College Facilities Corporation, and its officers and staff shall be reimbursed for any expenses incurred in carrying out any action modifying the revenue bond program pursuant to sections 6 to 11 of this act.".

The Warner amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Ms. Scofield offered the following amendment:
AM1465

1. In the Withem amendment, AM1282:

a. On page 1, line 19, strike "may" and insert "shall"; and

b. On page 2, line 1, after the period insert "The advisory body shall include, but not be limited to, one member of the Board of Regents of the University of Nebraska, one member of the Board of Trustees of the Nebraska State Colleges, and one member representing the six Technical Community College Boards of Governors.".

The Scofield amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Ms. Scofield offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1438.)

Mr. Withem requested a ruling of the Chair on whether the Scofield amendment is germane to the bill.

Ms. Scofield moved to suspend Rule 7 §3(d) so as to permit consideration of AM1438 to LB 247.

Ms. Scofield moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Ms. Scofield requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 21:

Baack	Haberman	Lynch	Peterson	Schimek
Beck	Hannibal	McFarland	Pirsch	Scofield
Bernard-Stevens	Hefner	Moore	Rogers	Smith
	Korshoj	Morrissey	Schellpeper	Wesely
Dierks	Landis			

Voting in the negative, 11:

Beyer	Johnson, L.	Labedz	Robak	Weihing
Crosby	Kristensen	Langford	Warner	Withem
Hall				

Present and not voting, 9:

Barrett	Chambers	Elmer	Lindsay	Wehrbein
Byars	Chizek	Lamb	Nelson	

Absent and not voting, 1:

Goodrich

Excused and not voting, 7:

Abboud	Conway	Hartnett	Johnson, R.	Schmit
Ashford	Coordsen			

The Scofield motion to suspend the rules lost with 21 ayes, 11 nays, 9 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Baack	Byars	Hall	Langford	Schimek
Barrett	Chambers	Hannibal	Lindsay	Smith
Beck	Chizek	Johnson, L.	Nelson	Warner
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wehrbein
	Elmer	Labedz	Robak	Weihing
Beyer	Haberman	Landis	Rogers	Withem

Voting in the negative, 12:

Coordsen	Korshoj	Moore	Peterson	Scofield
Crosby	Lamb	Morrissey	Schellpeper	Wesely
Hefner	McFarland			

Present and not voting, 1:

Goodrich

Excused and not voting, 7:

Abboud	Conway	Johnson, R.	Lynch	Schmit
Ashford	Hartnett			

Advanced to E & R for Engrossment with 29 ayes, 12 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 247A. Advanced to E & R for Engrossment.

MESSAGES FROM THE GOVERNOR

April 20, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 135, 206, 324, 381, 392, and 482 were received in my office on April 19, 1989.

These bills were signed by me on April 20, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 20, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 395, 47, 66, 372, 401, and 506 were received in my office on April 17, 1989.

These bills were signed by me on April 20, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 20, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 546, 548, 582, 582A, 608, 637, 777, 790, and 99 were received in my office on April 18, 1989.

These bills were signed by me on April 20, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 81. Introduced by Goodrich, 20th District; Byars, 30th District; Peterson, 21st District; Lynch, 13th District; Kristensen, 37th District.

WHEREAS, There are numerous institutions operated by the State of Nebraska where persons reside on a full-time basis, including, but not limited to, the Beatrice State Developmental Center, the Lincoln Regional Center, the Norfolk Regional Center, the Hastings Regional Center, the Nebraska Veterans' Home, Grand Island, and the Thomas Fitzgerald Veterans' Home;

WHEREAS, The management of such institutions should reflect a high level of competency;

WHEREAS, The residents of such facilities should be receiving a high level of care;

WHEREAS, An examination of the day-to-day care and activities of any institution financed and operated by the State of Nebraska should disclose whether the residents of such institution are adequately provided for, their rights protected, and their needs addressed.

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

1. (1) That a State Institutional Care Review Committee is hereby created. The Health and Human Services Committee or a

subcommittee thereof shall serve as the State Institutional Care Review Committee.

(2) The committee shall:

(a) Conduct an indepth study and examination of institutions operated by the State of Nebraska where persons reside on a full-time basis. The committee may choose select institutions to examine in greater detail;

(b) Examine issues as they relate to the quality and performance of such institutions;

(c) Examine whether the residents of such institutions are adequately provided for, their rights protected, and their needs addressed; and

(d) Prepare a report with recommendations, if needed, and a plan to implement the recommendations. The report shall be submitted to the Legislature.

2. That the State Institutional Care Review Committee in carrying out its duties shall have the powers authorized in section 50-406 and shall also have the power:

(1) To hire staff, including consultants;

(2) To obtain assistance from any state agency, department, board, or commission in acquiring data needed to carry out its duties; and

(3) To contract for any necessary facilities, equipment, and services.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 82. Introduced by Pirsch, 10th District; Lindsay, 9th District.

WHEREAS, the Academic Decathlon was created in 1968 to motivate students to strive for academic excellence through competition; and

WHEREAS, the Academic Decathlon, the premier scholastic competition in the United States for high school eleventh and twelfth grade students, has been held in Nebraska for the last six years; and

WHEREAS, twenty high schools from throughout the state competed in two regional events on February 24 and 25 and the top seven teams met on April 7 and 8 to compete for the state title and a trip to Providence, Rhode Island for the national finals; and

WHEREAS, the Omaha Central High School team won the competition this year, and has won for six consecutive years.

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

1. That the Legislature commends and applauds the efforts of all one hundred twenty students in the twenty schools who participated.

2. That the Legislature congratulates the Omaha Central High School team for their outstanding academic achievement.

3. That the Legislature commends and applauds the support and sponsorship of the Nebraska District Optimists and the University of Nebraska.

4. That the Legislature commends and applauds the many volunteer tutors, 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 Legislature wishes success to the Omaha Central High School team in the National Competition in Providence, Rhode Island in April.

7. 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.

Laid over.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Thursday, May 4, 1989 1:15 p.m.
Phyllis Anstine - Crime Victims Reparations Committee

(Signed) Dennis Baack, Chairperson

SELECT FILE

LEGISLATIVE BILL 611. E & R amendments, AM7050, found in the Journal on page 1703 for the Sixty-Fifth Day, were adopted.

Mr. Warner renewed his pending amendment, FA177, found in the Journal on page 1796.

PRESIDENT NICHOL PRESIDING

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

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.

Mr. Haberman requested a record vote on the Warner amendment.

Voting in the affirmative, 18:

Abboud	Coordsen	Haberman	Langford	Scofield
Barrett	Crosby	Hannibal	Peterson	Warner
Beck	Dierks	Johnson, L.	Pirsch	Wehrbein
Beyer	Elmer	Lamb		

Voting in the negative, 17:

Baack	Hall	Lindsay	Robak	Weihing
Byars	Korshoj	Moore	Rogers	Wesely
Chambers	Kristensen	Morrissey	Schellpeper	Withem
Chizek	Landis			

Present and not voting, 6:

Bernard-Stevens	Hefner	McFarland	Schimek	Smith
	Labedz			

Excused and not voting, 8:

Ashford	Goodrich	Johnson, R.	Nelson	Schmit
Conway	Hartnett	Lynch		

The Warner amendment lost with 18 ayes, 17 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 84. E & R amendments, AM7052, printed separately from the Journal and referred to on page 1704 for the Sixty-Fifth Day, were adopted.

Mr. Lamb renewed his pending amendment, AM1386, found in the Journal on page 1732.

The Lamb amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. McFarland offered the following amendment:
AM1461

(Amendments to AM7052)

1. On page 3, strike beginning with "up" in line 18 through "taxpayer" in line 19.

Mr. Rogers 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 McFarland amendment lost with 8 ayes, 23 nays, 11 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1467

1. Insert the following new section:

"Sec. 4. In determining the rate or rates to be paid by the Department of Social Services for child care services the director shall adopt a fee schedule which provides for payments equal to the average of the prevailing rates charged by nongovernmental child care providers in this state or in the area of the state. The schedule may provide separate rates for care for infants, for children with special needs, or for other individual categories of children. The schedule shall be effective on October 1 of each year and shall be revised by the Director of Social Services annually.".

2. On page 4, line 15, strike "twenty-five" and insert "fifteen".

3. Renumber the remaining sections accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1451

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, 1988, 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, 1988, 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 year 1988, ~~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. For tax years beginning or deemed to begin on or after January 1, 1989, the amount allowed to be subtracted shall equal the amount of the personal 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 equal to the federal standard deduction for the filing status used on the federal 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.

Sec. 3. That original sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 1988, are repealed.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM1466

1. Insert the following new sections:

"Section 1. When investigating cases of suspected abuse or neglect pursuant to sections 28-712 and 28-713 the law enforcement agency or department shall be given unrestricted access by any school or any person or entity standing in loco parentis to a child who is a suspected victim of abuse or neglect for the purpose of interviewing the child. No person shall provide notice to or require consent from any parent or guardian prior to such access. The law enforcement agency or department shall notify the parent or guardian of the child that an interview has taken place within a reasonable time subsequent to such interview.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1988, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. That section 28-710, Revised Statutes Supplement, 1988, be amended to read as follows:

28-710. For purposes of ~~As used in~~ sections 28-710 to 28-727 and section 1 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle if such minor child is six

years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 4. That section 28-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-716. (1) Any person participating in an investigation or the making of a report pursuant to ~~the provisions of~~ sections 28-710 to 28-717 or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

(2) Any person who provides unrestricted access to a child who is a suspected victim of abuse or neglect pursuant to section 1 of this act shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Sec. 5. That the Revisor of Statutes shall assign section 1 of this act within sections 28-710 to 28-727, and any reference to such sections shall be construed to include section 1 of this act.

Sec. 6. That original section 28-716, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101 and 28-710, Revised Statutes Supplement, 1988, are repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Lynch, 13th 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; Crosby, 29th District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hartnett, 45th District; L. Johnson, 15th District; R. Johnson, 34th District; Korshoj, 16th District; Kristensen, 37th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lindsay, 9th District; McFarland, 28th District; Moore, 24th District; Morrissey, 1st District; Peterson, 21st District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Schimek, 27th 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, every year thousands of workers are killed on the job and millions more are injured or sickened by occupational hazards; and

WHEREAS, while some catastrophes draw media attention that focuses public attention briefly on the dangerous conditions in workplaces across the country, the daily toll of work-related injuries, illnesses, and fatalities is often known only to the families, friends, and fellow workers of the victims; and

WHEREAS, on April 28, 1989, the anniversary of the Occupational Safety and Health Act, the AFL-CIO will sponsor a Workers' Memorial Day to help bring to light the full scope of workplace injury and disease and to assist the labor movement's efforts to prevent needless loss of life, limb, and health.

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

1. The Legislature urges all citizens of Nebraska to join in the observation of Workers' Memorial Day in honor of all workers who have been killed, injured, or sickened by occupational hazards.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 767. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7063.)

LEGISLATIVE BILL 429. Placed on Select File as amended.
E & R amendments to LB 429:
AM7061

1. In the Standing Committee amendments, AM0664:

a. On page 1, line 10, strike the comma; and in line 11 strike the last comma; and

b. Strike amendment 2 and renumber the remaining amendments accordingly.

2. On page 1, line 8, strike "to" and insert ", 71-5868,".

3. On page 2, strike beginning with "to" in line 4 through the semicolon in line 6.

4. On page 4, line 14, after "licensure" insert an underscored comma; and in line 24 strike "16,".

5. On page 5, line 8, after "and" insert "health care".

6. On page 9, line 13, after "services" insert an underscored comma; and in line 20 after "offered" insert an underscored comma.

7. On page 10, line 23, strike "Public Law", show as stricken, and insert "P.L.".

8. On page 12, line 1, strike "purchase", show as stricken, and insert "purchasing"; and in line 25 strike the last comma and show as stricken.

9. On page 13, line 10, strike the comma and show as stricken.

10. On page 22, lines 12 and 13, strike the comma and show as stricken.

11. On page 23, line 1, after "a" insert "health care"; and in line 9 after "classification" insert "of a facility".

12. On page 27, line 18, after "the" insert "health care".

13. On page 28, line 4, strike "the" and show as stricken.

14. On page 32, line 10, after "intent" insert an underscored comma.

15. On page 33, line 8, strike "per" and insert "for"; and in line 16 strike "who shall" and insert "for" and strike "it".

16. On page 34, line 17, before "has" insert "or".

17. On page 38, line 19, after "criteria" insert "adopted and".

18. On page 39, line 6, strike "listed in", show as stricken, and insert "adopted and promulgated under".

19. On page 42, line 16, after "made" insert an underscored comma.

LEGISLATIVE BILL 683. Placed on Select File as amended.
E & R amendments to LB 683:
AM7059

1. On page 8, line 22, strike "As used in" and insert "For purposes of".

2. On page 9, line 7, after "lines" insert an underscored comma.

LEGISLATIVE BILL 683A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

SELECT FILE

LEGISLATIVE BILL 84. Considered.

Mr. Landis offered the following amendment:
FA179

Insert a new section that reads:

1. "From April 1, 1990 through December 31, 1990, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent."

Mr. Hall requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

The Chair ruled the Landis amendment is not germane to the bill.

Mr. Landis moved to suspend Rule 7 Section 3(d) so as to permit consideration of the Landis amendment to LB 84.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 611A. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 611, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 84A in the Journal. No objections. So ordered.

AM1435

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $497,426 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $735,844 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Revenue, for Program 105, to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $120,893 for the period July 1, 1989, to June 30, 1990, or $402,976 for the period July 1, 1990, to June 30, 1991.

Sec. 2. There is hereby appropriated (1) $10,100,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $51,400,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Revenue, for Program 109, to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.

Sec. 3. There is hereby appropriated (1) $43,300,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $43,300,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Revenue, for Program 108, to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Strike the Lamb-Chizek amendment, AM1284.

VISITORS

Visitors to the Chamber were 29 fifth grade students and teacher from Doniphan; 33 seventh grade students and teacher from West Point; and 43 fourth grade students and teacher from Pierce.

ADJOURNMENT

At 4:30 p.m., on a motion by Messrs. Hall and Landis, the Legislature adjourned until 9:00 a.m., Friday, April 21, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 21, 1989

LEGISLATIVE JOURNAL

SEVENTIETH DAY - APRIL 21, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 21, 1989

Pursuant to adjournment, the Legislature met at 9:02 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. Conway, Haberman, R. Johnson, and Mrs. Labedz who were excused; and Messrs. Ashford, Chambers, Goodrich, Landis, Lindsay, Wehrbein, Wesely, Mmes. Langford, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1469

1. Insert the following new section:

"Sec. 9. The clerk of each court in the state shall maintain copies of a written statement providing

the name, address, and telephone number of each court in the state and a brief description of the procedures for obtaining an order pursuant to section 3 of this act. A copy of the statement shall be posted and copies shall be made available in such place that members of the general public can obtain a copy of the statement without requesting such copy from court personnel.

The courts shall provide a copy of such statement to the Department of Health. The department shall forward a copy of the statement to all licensed physicians, hospitals, clinics, family planning projects, school nurses, and school counselors in Nebraska, who shall make copies of the statement available upon request.".

2. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1468

1. Insert the following new section:

"Sec. 9. Any school nurse or any school counselor who is informed in the course of his or her professional duties by a pregnant woman that such woman is pregnant shall inform the pregnant woman of her right to proceed under section 3 of this act if such woman does not wish to notify her parents of the pregnancy.".

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 28 ayes, 0 nays, and 21 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 508.

A BILL FOR AN ACT relating to intergovernmental cooperation; to adopt the State-Tribal Cooperative Agreements 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	Chizek	Johnson, L.	Moore	Schimek
Ashford	Coordsen	Korshoj	Morrissey	Schmit
Baack	Crosby	Kristensen	Nelson	Scofield
Barrett	Dierks	Lamb	Peterson	Smith
Beck	Elmer	Landis	Pirsch	Warner
Bernard-Stevens	Hall	Langford	Robak	Weihing
Beyer	Hannibal	Lynch	Rogers	Wesely
Byars	Hartnett	McFarland	Schellpeper	Withem
	Hefner			

Voting in the negative, 0.

Excused and not voting, 8:

Chambers	Goodrich	Johnson, R.	Lindsay	Wehrbein
Conway	Haberman	Labedz		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 509.

A BILL FOR AN ACT relating to railroads; to amend section 74-1413, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the Branch Rail Revitalization Council; and to repeal the original section.

Whereupon the 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	Baack	Beck	Bernard-Stevens	Beyer
Ashford	Barrett			Byars

Chizek	Hannibal	Landis	Nelson	Schmit
Coordsen	Hartnett	Langford	Peterson	Scofield
Crosby	Hefner	Lindsay	Pirsch	Smith
Dierks	Johnson, L.	Lynch	Robak	Warner
Elmer	Korshoj	McFarland	Rogers	Weihing
Goodrich	Kristensen	Moore	Schellpeper	Wesely
Hall	Lamb	Morrissey	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Haberman	Johnson, R.	Labedz	Wehrbein
Conway				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 605.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disqualification for benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chizek	Hefner	McFarland	Schimek
Ashford	Coordsen	Johnson, L.	Moore	Schmit
Baack	Crosby	Korshoj	Morrissey	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Beck	Elmer	Lamb	Peterson	Warner
Bernard-Stevens	Goodrich	Landis	Pirsch	Weihing
	Hall	Langford	Robak	Wesely
Beyer	Hannibal	Lindsay	Rogers	Withem
Byars	Hartnett	Lynch	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers Haberman Johnson, R. Labedz Wehrbein
Conway

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 627.

A BILL FOR AN ACT relating to public defenders; to amend section 29-1804, Revised Statutes Supplement, 1988; to change a residency requirement as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Chizek	Hefner	McFarland	Schellpeper
Ashford	Coordsen	Johnson, L.	Moore	Schimek
Baack	Dierks	Korshoj	Morrissey	Scofield
Barrett	Elmer	Kristensen	Nelson	Smith
Beck	Goodrich	Lamb	Peterson	Warner
Bernard-Stevens	Hall	Landis	Pirsch	Wesely
	Hannibal	Lindsay	Robak	Withem
Beyer	Hartnett	Lynch	Rogers	

Voting in the negative, 2:

Crosby Schmit

Present and not voting, 3:

Byars Langford Weihing

Excused and not voting, 6:

Chambers Haberman Johnson, R. Labedz Wehrbein
Conway

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 669.

A BILL FOR AN ACT relating to probation; to amend section 29-2262, Revised Statutes Supplement, 1988; to change provisions relating to a condition of probation 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	Chizek	Hartnett	Lynch	Rogers
Ashford	Coordsen	Hefner	McFarland	Schellpeper
Baack	Crosby	Johnson, L.	Moore	Schimek
Barrett	Dierks	Korshoj	Morrissey	Scofield
Beck	Elmer	Kristensen	Nelson	Smith
Bernard-Stevens	Goodrich	Lamb	Peterson	Warner
	Hall	Landis	Pirsch	Weihing
Beyer	Hannibal	Lindsay	Robak	Withem
Byars				

Voting in the negative, 0.

Present and not voting, 2:

Langford Wesely

Excused and not voting, 7:

Chambers	Haberman	Labedz	Schmit	Wehrbein
Conway	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1426, Reissue Revised Statutes of Nebraska, 1943; to

change provisions relating to the furnishing of records to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide a civil penalty; and to repeal the original section.

Whereupon the 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	Hartnett	Lindsay	Rogers
Ashford	Coordsen	Hefner	Lynch	Schellpeper
Barrett	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Korshoj	Moore	Scofield
Bernard-Stevens	Elmer	Kristensen	Morrissey	Smith
	Goodrich	Lamb	Nelson	Warner
Beyer	Hall	Landis	Peterson	Wesely
Byars	Hannibal	Langford	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 3:

Baack	Robak	Weihing

Excused and not voting, 7:

Chambers	Haberman	Labedz	Schmit	Wehrbein
Conway	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 793. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine a term; to provide for taxation of certain devices and services; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hartnett	Lynch	Rogers
Ashford	Chizek	Hefner	McFarland	Schellpeper
Baack	Coordsen	Johnson, L.	Moore	Schimek
Barrett	Crosby	Korshoj	Morrissey	Scofield
Beck	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Elmer	Lamb	Peterson	Warner
	Goodrich	Landis	Pirsch	Weihing
Beyer	Hall	Langford	Robak	Wesely
Byars	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 6:

Conway	Johnson, R.	Labedz	Schmit	Wehrbein
Haberman				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 793, 508, 509, 605, 627, 669, and 722.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendment to LB 301:
AM1422

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for FY1989-90 and FY1990-91, the sums

specified in this section, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government.

APPROPRIATIONS FROM GENERAL FUND

	FY1989-90	FY1990-91
JUDICIARY		
Seven Supreme Court Judges	509,175	534,232
Clerk of the Supreme Court	39,718	41,636
Reporter of the Supreme Court	39,718	41,636
Fifty-three district and juvenile court judges	3,565,515	3,794,281
Fifty-seven county court judges	3,565,303	3,737,686
EXECUTIVE		
Governor	67,473	67,651
Lieutenant Governor	47,387	47,387
Secretary of State	48,032	48,060
Auditor of Public Accounts	41,601	41,621
Attorney General	66,711	66,711
State Treasurer	41,585	41,610
PUBLIC SERVICE COMMISSION		
Five Public Service Commissioners	205,442	207,117
ADMINISTRATIVE DEPARTMENTS		
Tax Commissioner	76,326	76,449".

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendment to LB 302:
AM1444

1. On page 2, line 2, strike "$632,570" and insert "$634,922"; and in line 3 strike "$632,982" and insert "$635,334".

LEGISLATIVE BILL 303. Placed on General File.

LEGISLATIVE BILL 303A. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1263.)

LEGISLATIVE BILL 305. Placed on General File.

LEGISLATIVE BILL 308. Placed on General File as amended.
Standing Committee amendments to LB 308:

AM1409

1. Strike original section 5.

2. Insert the following new section:

"Sec. 5. That Laws 1987, LB 781, section 29, be amended to read as follows:

Sec. 29. Program 901. The Legislature hereby acknowledges and reaffirms the directive given by section 81-1414.06, which is to make annual payments to the Nebraska Law Enforcement Training Center Fund from fiscal year 1979-80 to fiscal year 2002-03. The State Treasurer shall transfer $233,506 from the Nebraska Capital Construction Fund to the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1988. There is hereby appropriated $233,506 from the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1988, to Agency 78 -- Nebraska Commission on Law Enforcement and Criminal Justice for Program 901. The State Treasurer shall transfer ~~$271,615~~ $295,373 from the State Building Fund to the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1989. There is hereby appropriated ~~$271,615~~ $295,373 from the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1989, to Agency 78 -- Nebraska Commission on Law Enforcement and Criminal Justice for Program 901.".

3.a. On page 18, line 18, strike "$14,250,000" and insert "$14,500,000";

b. On page 19, line 5, strike "$2,190,000", show as stricken, and insert "$2,440,000"; in line 13 strike "$14,000,000", show as stricken, and insert "$14,500,000"; in line 14 strike "$3,250,000" and insert "$3,500,000"; and strike lines 20 through 25; and

c. On page 20, strike lines 1 through 3.

4. On page 21, lines 6 and 7, strike "75,000" and insert "100,000".

5. Strike original section 20 and insert the following new section:

"Sec. 9. That Laws 1988, LB 1041, section 35, be amended to read as follows:

Sec. 35. AGENCY NO. 20 -- DEPARTMENT OF HEALTH

(1) Program No. 177 - Administration

FY1987-88 FY1988-89

GENERAL FUND	92,000	399,000
~~CASH FUND~~	~~910,571~~	~~610,845~~
CASH FUND	910,571	735,845
~~PROGRAM TOTAL~~	~~1,002,571~~	~~1,009,845~~
PROGRAM TOTAL	1,002,571	1,134,845

Total expenditures for permanent and temporary salaries and per diems shall not exceed $59,466 for FY1987-88. Total expenditures for permanent and temporary salaries and per diems shall not exceed $59,466 for FY1988-89.

The General Fund appropriation to this program shall increase by $125,000 for FY1988-89 if the asbestos plan management review program contained in Legislative Bill 1060 or 1073, Ninetieth Legislature, Second Session, 1988, does not become law.

The General Fund appropriation to this program shall increase by $96,946 for FY1988-89 if Legislative Bill 1012, Ninetieth Legislature, Second Session, 1988, does not become law.

There is included in this appropriation for FY1988-89, $399,000 General Funds to reduce the fees charged for state health laboratories services.

In addition to the information required by section 43-534, and as part of the statement required by such section, the Department of Health shall specifically identify any appropriations it has reallocated during FY1988-89 or could reallocate during FY1989-90 and FY1990-91 to support the provision of services to families and children in a manner more consistent with the state's family policy as identified in sections 43-532 to 43-534.

~~On or before June 30, 1989, the State Treasurer is hereby directed to transfer $67,000 from the Asbestos Removal Cash Fund to the General Fund to reimburse the General Fund.~~

(2) Program No. 178 - Bureau of Examining Boards

	FY1987-88	FY1988-89
GENERAL FUND	36,545	22,003
PROGRAM TOTAL	36,545	22,003

It is the intent of the Legislature that the General Fund be reimbursed for the $15,000 appropriated to Program 178 in FY1987-88 for athletic trainers' licensing activities when the Cash Fund balance is

sufficient to make such reimbursement and sustain ongoing operations of the Board of Examiners in Athletic Training.

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~~
CASH FUND	910,571	735,845
~~AGENCY TOTAL~~	~~1,039,116~~	~~1,031,848~~
AGENCY TOTAL	1,039,116	1,156,848".

6. On page 22, lines 5 and 6, strike "22,616" and insert "12,000"; and in line 9 strike "$4,502" and insert "$4,689".

7.a. On page 22, lines 15 and 16, strike "24,142" and insert "13,642";

b. On page 23, lines 2 and 3, strike "5,035" and insert "6,837"; in lines 9 and 10 strike "2,850" and insert "550"; and in lines 22 and 23 strike "25,498" and insert "33,218";

c. On page 24, lines 5 and 6, strike "30,484" and insert "30,837"; in line 13 strike "35,639" and insert "1,600"; in line 15 strike "105,639" and insert "71,600"; and strike lines 16 through 18; and

d. On page 25, line 2, strike "223,648" and insert "186,684"; and in line 4 strike "313,850" and insert "276,886".

8. Insert the following new section:

"Sec. 21. Agency No. 22 -- Department of Insurance

Program No. 555 - Examination of Insurance Companies

	FY1988-89
CASH FUND	51,000
PROGRAM TOTAL	51,000".

9. Insert the following new section:

"Sec. 24. Agency No. 37 -- Nebraska Workers' Compensation Court

Program No. 530 - Workers' Compensation Adjudication and Administration

	FY1988-89
GENERAL FUND	11,407
PROGRAM TOTAL	11,407

No expenditures in excess of the amounts

currently operative for the personal services limitation for this program shall be made from funds appropriated in this section.".

10.a. On page 27, line 24, strike "161,218" and insert "77,832"; and strike line 25; and

b. On page 28, line 1, strike "368,698" and insert "77,832"; and after line 1 insert:

"Total expenditures for permanent and temporary salaries and per diems for FY1988-89 shall not exceed $47,152.".

11. Insert the following new section:

"Sec. 28. (1) Agency No. 50-1 -- Chadron State College

Program No. 800 Series - Chadron State College

Total expenditures for permanent and temporary salaries and per diems for FY1988-89 are hereby increased by $52,528.

(2) Agency No. 50-2 -- Kearney State College

Total expenditures for permanent and temporary salaries and per diems for FY1988-89 are hereby increased by $92,900.".

12.a. On page 28, line 25, strike "34,590" and insert "18,301";

b. On page 29, line 1, strike "51,090" and insert "34,801"; in lines 8 and 9 strike "63,737" and insert "33,909"; in lines 12 and 13 strike "108,453" and insert "52,100"; in line 19 strike "CASH FUND 216,718" and insert "GENERAL FUND 276,000"; in line 20 strike "216,718" and insert "276,000"; and strike lines 21 through 25; and

c. On page 30, strike lines 1 and 2; in line 6 strike "16,500" and insert "292,500"; strike line 7; in line 8 strike "206,780" and insert "104,310"; and in line 9 strike "439,998" and insert "396,810".

13. Insert the following new section:

"Sec. 31. Agency No. 70 -- State Foster Care Review Board

Program No. 116 -- State Foster Care Review Board

	FY1988-89
GENERAL FUND	7,000
PROGRAM TOTAL	7,000

Total expenditures for permanent and temporary salaries and per diems for FY1988-89 are hereby

increased by $2,911.".

14. Insert the following new section:

"Sec. 32. Program 990. The Department of Economic Development is hereby authorized to expend $200,000 in Cash Funds and $100,000 in private donations to construct an addition to the Strategic Air Command Museum. There is hereby appropriated $200,000 from Cash Funds and $100,000 from private donations for the fiscal year ending June 30, 1989, for the Strategic Air Command Museum addition. The unexpended balance existing on June 30, 1989, in Program 990 is hereby reappropriated.

It is the intent of the Legislature that the portion of funds allocated to the Strategic Air Command Museum be used to maintain the integrity and quality of the museum. In addition to the appropriation of state funds and in order to continue to ensure the integrity and quality of the museum notwithstanding such appropriation, the Strategic Air Command Memorial Society is hereby authorized to solicit any private funds necessary to continue the successful operation of the museum.".

15. Insert the following new section:

"Sec. 33. Program 902. The Department of Public Institutions is hereby authorized to make a sanitary sewer connection at the Thomas Fitzgerald Veterans' Home, Douglas County, Nebraska. There is hereby appropriated $85,000 from Cash Funds for the fiscal year ending June 30, 1989, to make such connection.".

16. Strike original section 28.

17. On page 32, line 15, after "That" insert "original" and strike "6" and insert "29"; and in line 17 after "17," insert "35," and after "81," insert "and also Laws 1987, LB 781, section 28,".

18. Renumber remaining sections accordingly.

LEGISLATIVE BILL 309. Placed on General File as amended.
Standing Committee amendments to LB 309:
AM1442

1. Strike original sections 1 to 4 and 6 and insert the following new sections:

"Section 1. That section 81-1317, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by ~~section 81-1341.01~~ Legislative Bill 309A, Ninety-first Legislature, First Session, 1989, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment for fiscal year ~~1988-89~~ 1989-90 for employees not covered by collective-bargaining agreements, ~~for certified collective bargaining units specified in section 81-1373,~~ including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining.

Sec. 2. That section 81-1317.01, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1317.01. 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~~ 1989-90 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 agreement.~~ address changes arising out of collective bargaining.

Sec. 4. That original sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1988, and also sections 81-1341.01 and 81-1341.03, Revised Statutes Supplement, 1988, are repealed.".

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 309A. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1395.)

LEGISLATIVE BILL 310. Placed on General File as amended.
Standing Committee amendment to LB 310:
AM1450

1. On page 2, line 8, reinstate the stricken ", (4)," and strike "(6)", show as stricken, and insert "(5)"; and after line 19 insert the following new subsections:

"(4) On or before June 15, 1990, the State Treasurer shall transfer ten million five hundred thousand dollars from the Cash Reserve Fund to the General Fund in recognition of the legislative intent established in Laws 1988, LB 1041, section 82.

(5) On or before June 15, 1991, the State Treasurer shall transfer eight million one hundred thousand dollars from the Cash Reserve Fund to the General Fund in recognition of the legislative intent established in Laws 1988, LB 1041, section 82.".

LEGISLATIVE BILL 469. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File as amended.
Standing Committee amendments to LB 727:
AM1323

1. Insert the following new section:

"Sec. 3. The State Energy Office Cash Fund is hereby created. The fund shall consist of funds received pursuant to section 57-705. The fund shall be used for the administration of sections 81-1601 to 81-1607, for energy conservation activities, and for providing technical assistance to communities in the area of natural gas. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 7, lines 8 and 14, strike "appropriate" and insert "transfer an amount to be determined by the Legislature through the appropriations process"; and strike beginning with "to" in line 10 through "gas" in line 13 and insert "Cash Fund".

3. Renumber remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

MOTION - Introduce New Bills

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1249.

The Warner motion prevailed with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1251.

The Warner motion prevailed with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1250.

The Warner motion prevailed with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1246.

The Warner motion prevailed with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 813. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Scofield, 49th District;

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1991; to provide an operative date; to repeal Laws 1987, LB 229A, Laws 1987, LB 305A, Laws 1987, LB 350A, Laws 1987, LB 372A, Laws 1987, LB 383A, Laws 1987, LB 419A, Laws 1987, LB 518A, Laws 1987, LB 551A, Laws 1987, LB 557A, Laws 1987, LB 664A, Laws 1987, LB 673A, Laws 1987, LB 716, Laws 1987, LB 766A, Laws 1987, LB 836A, Laws 1987, LB 838A, Laws 1987, LB 863A, Laws 1987, LB 868A, Laws 1987, LB 940A, Laws 1987, LB 963A, Laws 1987, LB 987A, Laws 1987, LB

1012A, Laws 1987, LB 1013A, Laws 1987, LB 1039A, Laws 1987, LB 1100A, Laws 1987, LB 1105A, Laws 1987, LB 1117A, Laws 1987, LB 1160, Laws 1987, LB 1207A, and Laws 1987, LB 1234; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Scofield, 49th District;

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to require a program statement; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1987, LB 781, Laws 1987, LB 784, and Laws 1988, LB 1041; and to declare an emergency.

LEGISLATIVE BILL 815. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Scofield, 49th District;

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1495, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the cost of providing copies; to provide duties; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District;

A BILL FOR AN ACT relating to heating oil storage tanks; to amend sections 81-15,120, 81-15,121, and 81-15,123, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of and permit requirements for such tanks; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

MOTION - Suspend Rules

Mr. Warner moved to suspend the Rules, Rule 3, Section 4(e) and 13 and Rule 6, Section 1, to place LB 813, LB 814, LB 815, and LB 816 on General File.

The Warner motion prevailed with 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

Standing Committee amendments, AM0684, found in the Journal on page 1120 for the Forty-Fifth Day, were considered.

Mr. Schmit renewed his pending amendment, AM1341, found in the Journal on page 1656, to the Standing Committee amendments.

The Schmit amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb withdrew his pending amendment, AM1385, found in the Journal on page 1760.

SPEAKER BARRETT PRESIDING

Messrs. Kristensen, Withem, and Mrs. Beck asked unanimous consent to be excused until they return. 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 Standing Committee amendments, as amended, were adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

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.

Advanced to E & R for Review with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 602. Placed on General File.

LEGISLATIVE BILL 470. Placed on General File as amended.
Standing Committee amendments to LB 470:
AM0065

1. Insert the following new section:

"Sec. 3. That section 23-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1303. The county clerk shall not issue any county warrants unless ordered by the county board authorizing the same. Every such warrant shall be numbered consecutively as allowed from July 1 to June 30, corresponding with the fiscal year of the county. The date, amount, and number of each warrant and the name of the person to whom it is issued shall be entered in a book called Warrant Book, to be kept by the clerk in his or her office for that purpose. When any warrant is returned as canceled, the clerk shall note the date of cancellation opposite such entry. Except for warrants subject to section 23-1602, the county treasurer shall not pay any warrant which is presented for payment more than two years after the date of its issuance, and any such warrant shall cease to be an obligation of the county and shall be charged off upon the books of the county. The county board may approve for payment any warrant so charged off.".

2. On page 4, line 1, strike "and" and insert a comma; and in line 2 after the first comma insert "and 23-1303,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 743. Placed on General File as amended
Standing Committee amendment to LB 743:
AM1492

1. Strike the original sections and insert the following new section:

"Section 1. There is hereby appropriated $144,614 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department on Aging, for Program 571, for state aid. There is hereby appropriated $297,211 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department on Aging, for Program 571, for state aid.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

(Signed) Jerome Warner, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1989, at 10:05 a.m., were the following bills: 508, 509, 605, 627, 669, 722, and 793.

(Signed) Randy Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM1464

(Amendments to Final Reading copy)

1. On page 7, line 19, strike "or" and after "proceedings" insert ", or that the funding received from the resident school district pursuant to section 15 of this act may not be adequate to reimburse the option school district".

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 20, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ayres, Joseph Warren - Lincoln	Drexel, Burnham and Lambert
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Drexel, Burnham and Lambert
Fraizer, T. J. - Lincoln	American Nuclear Insurers
Moors, H. Jack - Lincoln	Adams County Ag Society/Queen City Downs

SELECT FILE

LEGISLATIVE BILL 84. The pending Landis motion, found in the Journal on page 1821, to suspend Rule 7 section 3(d) so as to permit consideration of the Landis amendment to LB 84, was renewed.

Mr. Landis withdrew his pending motion to suspend the rules.

Messrs. Schmit and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 289.

(Signed) Doug Kristensen

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Wehrbein and Ashford asked unanimous consent to have their names added as co-introducers to LBs 813, 814, and 815. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 816. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 third and fourth grade students and teacher from Nemaha Valley School, Talmage and Cook; 42 fourth grade students and teacher from Madison; 30 fourth grade students and teachers from Knickrehm Elementary, Grand Island; 28 fifth

grade students and sponsor from Seward; seven boy scouts and sponsors from North Platte; 75 eighth grade students and teachers from St. Roberts School, Omaha; and 11 sixth through eleventh grade students and teacher from Republican Valley High School.

RECESS

At 11:50 a.m., on a motion by Mr. Lamb, 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. Ashford, Bernard-Stevens, Conway, Haberman, R. Johnson, Lynch, and Mrs. Labedz who were excused; and Messrs. Abboud, Chambers, Lindsay, McFarland, Peterson, Schmit, Warner, and Ms. Scofield who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 761. Placed on Select File as amended.
(E & R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7064.)

(Signed) John C. Lindsay, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 809A. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 809,

Ninety-first Legislature, First Session, 1989; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 84. Mr. Chizek moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 739. E & R amendment, AM7051, found in the Journal on page 1704 for the Sixty-Fifth Day, was adopted.

Mr. Wesely renewed his pending amendment, AM1361, found in the Journal on page 1649.

Messrs. Kristensen and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Korshoj requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 13:

Chizek	Korshoj	Nelson	Schellpeper	Smith
Dierks	Lindsay	Pirsch	Schimek	Wesely
Hall	Morrissey	Robak		

Voting in the negative, 21:

Baack	Coordsen	Hannibal	Landis	Warner
Barrett	Crosby	Hefner	Langford	Wehrbein
Beck	Elmer	Johnson, L.	Moore	Weihing
Beyer	Goodrich	Lamb	Peterson	Withem
Byars				

Present and not voting, 2:

Hartnett Scofield

Excused and not voting, 13:

Abboud	Bernard-Stevens	Conway	Kristensen	McFarland
Ashford	Chambers	Haberman	Labedz	Rogers
		Johnson, R.	Lynch	Schmit

The Wesely amendment lost with 13 ayes, 21 nays, 2 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith offered the following amendment:
AM1463
1. In the Hall amendment, FA155, strike amendment 1.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Mr. Hall requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Abboud	Coordsen	Hefner	Moore	Smith
Barrett	Crosby	Johnson, L.	Peterson	Warner
Beck	Dierks	Kristensen	Pirsch	Wehrbein
Beyer	Elmer	Lamb	Scofield	Weihing
Byars	Goodrich	Langford		

Voting in the negative, 14:

Baack	Hartnett	Lindsay	Nelson	Wesely
Chizek	Korshoj	McFarland	Rogers	Withem
Hall	Landis	Morrissey	Schimek	

Present and not voting, 1:

Hannibal

Excused and not voting, 11:

Ashford	Chambers	Johnson, R.	Lynch	Schellpeper
Bernard-Stevens	Conway	Labedz	Robak	Schmit
	Haberman			

The motion to cease debate lost with 23 ayes, 14 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Ms. Scofield 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

Mrs. Smith moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Abboud	Coordsen	Hannibal	Langford	Smith
Barrett	Crosby	Hefner	Moore	Warner
Beck	Dierks	Johnson, L.	Peterson	Wehrbein
Beyer	Elmer	Kristensen	Pirsch	Weihing
Byars	Goodrich	Lamb	Scofield	Wesely

Voting in the negative, 9:

Baack	Korshoj	Lindsay	Nelson	Withem
Hartnett	Landis	Morrissey	Rogers	

Present and not voting, 4:

Chizek	Hall	McFarland	Schimek

Excused and not voting, 11:

Ashford

Bernard-Stevens	Conway	Johnson, R.	Lynch	Schellpeper
Chambers	Haberman	Labedz	Robak	Schmit

The Smith amendment was adopted with 25 ayes, 9 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to reconsider the vote on the Smith amendment, AM1463.

Mr. Hall withdrew his motion to reconsider.

Mr. McFarland offered the following amendment:
AM1452

1. On page 4, line 17, after "Code" insert ", except that a credit shall not be allowed for such individual with a Nebraska taxable income in excess of the following amounts: (i) for married, filing jointly, $45,000; (ii) for single, $27,000; (iii) for head of household, $38,000; and (iv) for married, filing separately, $22,500".

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. McFarland withdrew his pending amendment.

Mr. Wesely renewed his pending amendment:
AM1467

1. Insert the following new section:
"Sec. 4. In determining the rate or rates to be paid by the Department of Social Services for child care services the director shall adopt a fee schedule which provides for payments equal to the average of the prevailing rates charged by nongovernmental child care providers in this state or in the area of the state. The schedule may provide separate rates for care for infants, for children with special needs, or for other individual categories of children. The schedule shall be effective on October 1 of each year and shall be revised by the Director of Social Services annually.".

2. On page 4, line 15, strike "twenty-five" and insert "fifteen".

3. Renumber the remaining sections accordingly.

Mr. Wesely withdrew his pending amendment.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland renewed his pending amendment, AM1451, found in the Journal on page 1814.

The McFarland amendment lost with 8 ayes, 19 nays, 11 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM1499

1. Insert the following new sections:

"Section 1. When investigating cases of suspected abuse or neglect pursuant to sections 28-712 and 28-713 the law enforcement agency or department shall be given unrestricted access by any school or any person or entity standing in loco parentis to a child who is a suspected victim of abuse or neglect for the purpose of interviewing the child. No person shall provide notice to or require consent from any parent or guardian prior to such access. The law enforcement agency or department shall notify the parent or guardian of the child that an interview has taken place within a reasonable time subsequent to such interview.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1988, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. That section 28-710, Revised Statutes Supplement, 1988, be amended to read as follows:

28-710. For purposes of ~~As used in~~ sections 28-710 to 28-727 and section 1 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities, ~~and~~ the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle if such minor child is six years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 4. That section 28-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-716. (1) Any person participating in an investigation or the making of a report pursuant to ~~the provisions of~~ sections 28-710 to 28-717 or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

(2) Any person who provides unrestricted access to a child who is a suspected victim of abuse or neglect pursuant to section 1 of this act shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Sec. 15. That the Revisor of Statutes shall assign section 1 of this act within sections 28-710 to 28-727, and any reference to such sections shall be construed to include section 1 of this act.

2. In the Standing Committee amendments, AM0805, on page 5, line 15, before "42-917" insert "28-716,"; and in line 17 strike "section" and insert "sections 28-101, 28-710, and".

3. Renumber the remaining sections accordingly.

Messrs. Rogers, Dierks, and Coordsen asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1495

1. On page 127, in lines 2 and 3 strike "204,674,251" and insert "204,824,251" and strike "208,828,581" and insert "208,978,581"; and in line 14 strike "37,890,788" and insert "38,040,788" and strike "38,137,600" and insert "38,287,600"; and in line 16 strike "106,678,398" and insert "106,828,398" and strike "106,706,209" and insert "106,856,209".

2. On page 132, after line 4 insert:

"There is included in the appropriation to this program $150,000 General Funds for FY1989-90 and $150,000 General Funds for FY1990-91 for the University of Nebraska Institute of Agriculture and Natural Resources, Program 715, for funding of the Veterinary Diagnostic Research Center to use in the testing of diseases. It is the intent of the Legislature that this level of funding be maintained in the future.".

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Coordsen, 32nd District.

PURPOSE: 1 The purpose of this resolution is to study the feasibility of, cost of, and issues related to allowing the courts to make an order committing all juveniles listed under section 43-247 to the Department of Social Services. Examples of such juveniles are those who have committed misdemeanors, felonies, or traffic offenses. Currently, only juveniles who fit within subdivision (3) of section 43-247 are committed to the care and custody of the Department of Social Services. Examples of such juveniles would be those who are homeless, destitute, abandoned, wayward, or habitually disobedient or who endanger themselves or others.

2 The resolution shall also study the feasibility of, cost of, and issues related to allowing courts to retain the care and custody of a juvenile or returning custody from the Department of Social Services

to the court in the event of a disagreement on the placement or treatment for the juvenile.

The study shall examine, but not be limited to, the following areas:

(a) How Nebraska's system compares with other states and the trends in other states and at the national level;

(b) The benefits or detriments of having one agency with the responsibility of all the juveniles in this state;

(c) The costs associated with the Department of Social Services having the responsibility of all juvenile state wards in Nebraska. This study shall examine the additional costs to the Department of Social Services and also examine any costs that may be saved or transferred from other areas such as the Department of Correctional Services;

(d) The amount of federal funds available if one agency has the responsibility for all the juveniles in this state and how these amounts might differ from the current system;

(e) The number of cases over a several year period in which courts returned custody from the Department of Social Services back to the court and the reasons for such return;

(f) The number of cases over a several year period in which courts did not give the Department of Social Services the care and custody of the juvenile and the reasons. Juveniles who could not be given to the department shall be subtracted from this figure; and

(g) The cost to the state of not allowing the courts to retain the care and custody of juveniles or not allowing the courts to remove the juvenile from the care and custody of the Department of Social Services.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 89, 89A, and 262.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 89

The following changes, required to be reported for publication in the Journal, have been made:
ER6163

1. In the Conway amendment, AM1445:

a. On page 1, line 14, "section" has been struck and "subsection" inserted;

b. On page 1, line 16; and page 2, lines 1 and 6, "In" has been struck and "For school year" inserted;

c. On page 2, lines 3 and 8, "as regular compensation" has been inserted before "shall"; and

d. On page 3, line 9, "to pay" has been struck and "for paying" inserted.

2. In the E & R amendment, AM7000:

a. On page 1, the matter beginning with "The" in line 8 through the period in line 12 has been struck; and

b. On page 6, line 23, "Phase I and II" has been struck.

Enrollment and Review Change to LB 89A

The following changes, required to be reported for publication in the Journal, have been made:
ER6164

1. In the Lynch amendment, AM0902, on page 1, line 6, "minimum salary supplements and" has been struck; and in line 20 "of" has been struck and "for" inserted.

Enrollment and Review Changes to LB 262

The following changes, required to be reported for publication in the Journal, have been made:
ER6165

1. On page 1, line 8, after the second semicolon "to define a term;" has been inserted.

2. On page 6, line 2, "and" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 24 seventh grade students and teacher from Holy Trinity School, Hartington; Senator Dierks' daughter-in-law, Susan Dierks, and 24 fifth and sixth grade students from Page; 43 fourth grade students and teachers from Laurel-Concord Elementary, Laurel; 28 third and fourth grade students from Adams; 9 students and teacher from St. Paul Lutheran Elementary School, Omaha; and 49 eighth grade students and teachers from Minden.

MOTION - Adjournment

Mr. Moore moved to adjourn until 9:00 a.m., Monday, April 24, 1989.

Mr. McFarland moved for a call of the house. The motion lost with 10 ayes, 17 nays, and 22 not voting.

The Moore motion to adjourn prevailed with 18 ayes, 14 nays, 6 present and not voting, and 11 excused and not voting, and at 3:47 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 24, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 24, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 24, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. William Thornton, Second Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Abboud, Ashford, Baack, Haberman, Hartnett, R. Johnson, Lamb, Landis, Lindsay, Wehrbein, Wesely, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1850, line 24, strike "offered the following amendment:" and insert "renewed his pending amendment:".
The Journal for the Seventieth Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Mr. Byars asked unanimous consent to print the following amendment to LB 809 in the Journal. No objections. So ordered.

AM1481
(Amendments to Standing Committee amendments, AM1384)
1. On page 1, strike beginning with the comma

in line 8 through line 21 and insert an underscored period.

2. Strike pages 2 and 3.

3. On page 4, strike lines 1 through 3 and in line 4 strike "(8)" and insert "(2)"; and strike beginning with "Upon" in line 9 through the underscored period in line 11.

RESOLUTION

LEGISLATIVE RESOLUTION 82. Read. Considered.

LR 82 was adopted with 26 ayes, 0 nays, and 23 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 79.

RESOLUTION

LEGISLATIVE RESOLUTION 83. Read. Considered.

LR 83 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Bracket LR 2CA

Mr. Wesely moved to bracket LR 2CA until Jan. 3, 1990.

Mr. Wesely withdrew his pending motion to bracket.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2CA.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VIII, section 1.

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

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for

approval the following amendment to the Constitution of Nebraska by amending Article VIII, section 1, 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 ~~said~~ the 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 that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property 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 may 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. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. 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, as defined by the Legislature, constitutes a separate and distinct class of property for purposes of taxation and that such land may be taxed by a method which results in values that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land and to eliminate a provision permitting 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.

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, 35:

Barrett	Crosby	Johnson, R.	Lynch	Robak
Beck	Dierks	Korshoj	McFarland	Rogers
Bernard-Stevens	Elmer	Kristensen	Moore	Schellpeper
Beyer	Goodrich	Lamb	Morrissey	Scofield
Byars	Haberman	Landis	Nelson	Smith
Conway	Hefner	Langford	Peterson	Wehrbein
Coordsen	Johnson, L.	Lindsay	Pirsch	Weihing

Voting in the negative, 4:

Chambers	Hall	Hannibal	Warner	

Present and not voting, 3:

Chizek	Schimek	Wesely

Excused and not voting, 7:

Abboud	Baack	Labedz	Schmit	Withem
Ashford	Hartnett			

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Suspend Rules

Mr. Landis renewed his pending motion, found in the Journal on page 1750, to suspend Rule 8 Section 5 so as to permit consideration of LB 361 and LB 361A on Final Reading today.

The Landis motion to suspend the rules prevailed with 36 ayes, 0 nays, 6 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 361. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1301.01, 77-1301.13, 77-1343, 77-1344, 77-1346, 77-1347, 77-1348, 77-1360, 77-1361, and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and sections 77-508.01, 77-1359, 77-1363, 77-1364, 77-1365, 77-1504, and 77-1506.02, Revised Statutes Supplement, 1988; to state legislative findings; to provide duties for the Tax Commissioner; to change provisions relating to actual value of property for taxation; to define and redefine terms; to change provisions relating to categories of agricultural and horticultural land; to change a provision relating to the valuation of certain income streams as prescribed; to change provisions relating to the

computation of capitalization rates used for the valuation of agricultural and horticultural land; to eliminate a duty of the Agricultural Land Valuation Advisory Board; to provide for adjustments to the valuation of property as prescribed; to eliminate legislative findings and intent; to eliminate a provision relating to the agricultural land valuation manual; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 77-1358 and 77-1368, Revised Statutes Supplement, 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, 41:

Ashford	Conway	Hefner	Lynch	Schellpeper
Barrett	Coordsen	Johnson, L.	McFarland	Schimek
Beck	Crosby	Johnson, R.	Moore	Scofield
Bernard-Stevens	Dierks	Korshoj	Morrissey	Smith
	Elmer	Kristensen	Nelson	Warner
Beyer	Goodrich	Lamb	Peterson	Wehrbein
Byars	Haberman	Landis	Pirsch	Weihing
Chambers	Hall	Lindsay	Rogers	Wesely
Chizek	Hannibal			

Voting in the negative, 1:

Robak

Present and not voting, 1:

Langford

Excused and not voting, 6:

Abboud	Hartnett	Labedz	Schmit	Withem
Baack				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 361A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 361, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Ashford	Conway	Hefner	Langford	Pirsch
Barrett	Coordsen	Johnson, L.	Lindsay	Rogers
Beck	Crosby	Johnson, R.	Lynch	Schellpeper
Bernard-Stevens	Dierks	Korshoj	McFarland	Smith
	Elmer	Kristensen	Moore	Warner
Beyer	Goodrich	Labedz	Morrissey	Wehrbein
Byars	Haberman	Lamb	Nelson	Weihing
Chambers	Hall	Landis	Peterson	Wesely
Chizek	Hannibal			

Voting in the negative, 1:

Robak

Present and not voting, 2:

Schimek Scofield

Excused and not voting, 5:

Abboud	Baack	Hartnett	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.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the

appointments be confirmed by the Legislature and suggests a record vote.

James W. Bauer - Board of Public Roads Classifications and Standards
Lila Churchill - Board of Public Roads Classifications and Standards
Linda F. Kouth - Board of Public Roads Classifications and Standards
Eldon Orth - Board of Public Roads Classifications and Standards
George R. Williamson - Board of Public Roads Classifications and Standards

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers, Schellpeper. Voting nay: None. Not Voting: None

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Ashford and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 739. Considered.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Baack	Conway	Haberman	Labedz	Schellpeper
Beck	Coordsen	Hannibal	Lamb	Warner
Bernard-Stevens	Crosby	Hefner	Langford	Wehrbein
Beyer	Dierks	Johnson, L.	Moore	Weihing
Byars	Elmer	Johnson, R.	Pirsch	Wesely
	Goodrich	Kristensen		

Voting in the negative, 10:

Chambers	Korshoj	Lindsay	Morrissey	Robak
Hall	Landis	McFarland	Nelson	Schimek

Present and not voting, 6:

Barrett	Lynch	Peterson	Rogers	Scofield
Chizek				

Excused and not voting, 6:

Abboud	Hartnett	Schmit	Smith	Withem
Ashford				

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 6 present and not voting, and 6 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution and bills: LR 2, LB 361, and LB 361A.

SELECT FILE

LEGISLATIVE BILL 739A. Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 5 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 575. E & R amendments, AM7055, found in the Journal on page 1709 for the Sixty-Sixth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 330. E & R amendments, AM7057, found in the Journal on page 1710 for the Sixty-Sixth Day, were adopted.

Mrs. Pirsch and Mr. Bernard-Stevens offered the following amendment:
AM1366

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 29-404.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-404.02. ~~A~~ Except as provided in section 10

of this act, a peace officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:

(1) A felony; ~~or~~

(2) A misdemeanor, and the officer has reasonable cause to believe that such person either (a) will not be apprehended unless immediately arrested, ; (b) may cause injury to himself or herself or others or damage to property unless immediately arrested, ; (c) may destroy or conceal evidence of the commission of such misdemeanor, ; or (d) has committed a misdemeanor in the presence of the officer; or

(3) One or more of the following acts to one or more household members:

(a) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

(b) Threatening another in a menacing manner.

For purposes of this section, household members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.".

Mr. Chambers requested a ruling of the Chair on whether the Pirsch-Bernard-Stevens amendment is germane to the bill.

The Chair ruled the Pirsch-Bernard-Stevens amendment is germane to the bill.

Mr. Chambers offered the following amendment to the pending Pirsch-Bernard-Stevens amendment:

FA180

page 2, line 3, Strike "(b) Threatening another in a menacing manner."

MRS. LABEDZ PRESIDING

Messrs. Beyer and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers withdrew his pending amendment.

Mr. Hartnett 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 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Goodrich requested a roll call vote on the Pirsch-Bernard-Stevens amendment.

Voting in the affirmative, 26:

Ashford	Elmer	Johnson, R.	Moore	Warner
Beck	Goodrich	Labedz	Pirsch	Wehrbein
Bernard-Stevens	Haberman	Lamb	Robak	Weihing
Byars	Hannibal	Langford	Rogers	Wesely
Crosby	Hefner	Lynch	Scofield	Withem
	Johnson, L.			

Voting in the negative, 15:

Baack	Conway	Korshoj	Lindsay	Schellpeper
Barrett	Coordsen	Kristensen	Morrissey	Schimek
Chambers	Dierks	Landis	Nelson	Smith

Present and not voting, 4:

Chizek	Hall	Hartnett	McFarland

Excused and not voting, 4:

Abboud	Beyer	Peterson	Schmit

The Pirsch-Bernard-Stevens amendment was adopted with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 24, 1989, at 10:30 a.m., were the following bills: 361 and 361A.

(Signed) Jan Loder, Enrolling Clerk

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 24, 1989, at 10:34 a.m., was the following resolution: LR 2CA.

(Signed) Jan Loder, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 330. Mr. Chambers offered the following amendment:
FA181

Page 9, line 1: Strike "No" and all remaining language through line 4.

And in line 15, strike "No" and all remaining language through line 18.

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Scofield moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of the following Scofield amendment:
AM1356

1. Insert the following new section:

"Sec. 14. That section 43-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-532. (1) The Legislature finds and declares that children develop their unique potential in relation to a caring social unit, usually the family, and other nurturing environments, especially the schools and the community. The Legislature further finds that

the state shall declare a family policy to guide the actions of state government in dealing with problems and crises involving children and families.

(2) When children and families require assistance from a department, agency, institution, committee, or commission of state government, every reasonable effort shall be made to provide such assistance in the least intrusive and least restrictive method consistent with the needs of the child and to deliver such assistance as close to the home community of the child or family requiring assistance as possible. The policy set forth in this subsection shall be (a) interpreted in conjunction with all relevant laws, rules, and regulations of the state and shall apply to all children and families who have need of services or who, by their circumstances or actions, have violated the laws, rules, or regulations of the state and are found to be in need of treatment or rehabilitation and (b) implemented through the cooperative efforts of state, county, and municipal governments, legislative, judicial, and executive branches of government, and other public and private resources.

(3) The family policy objectives prescribed in sections 43-532 to 43-534 shall not be construed to mean that children shall be left in environments that are physically, developmentally, or emotionally harmful either immediately or cumulatively. While children may develop best in nurturing families, families shall not be kept together at the expense of a child's best interests and safety.".

2. On page 10, line 21, strike "and" and after the final comma insert "and 43-532,".

3. Renumber the remaining section accordingly.

Messrs. Beyer and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from Chandlerview Elementary School, Bellevue; Chuck and Marilyn

Spohr from Weeping Water; Dean Loftus from Sarpy County; 14 fourth grade students and teacher from Brownell-Talbot School, Omaha; 10 high school students and sponsor from Stratton; 43 sixth grade students and sponsors from Brownell School, Lincoln; 45 members of Benson Womens Republican Club, Omaha; Mrs. Tom Sieck and Peggy Sieck from Pleasant Dale; Hisako Sato MacQueen from Maryland and Yumiko Yokomichi from Japan; and Jerusha Wanjiku Mughugia from Kenya, Andrew John Kangulu from Malawi, Alphonsus George Alang from Nigeria, Charles Andrew Wessels from South Africa, and Sihem Chaouch from Tunisia.

RECESS

At 12:07 p.m., on a motion by Mrs. Nelson, 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. Schmit who was excused; and Messrs. Ashford, Haberman, Hannibal, R. Johnson, Landis, McFarland, Moore, Mmes. Crosby, and Smith who were excused until they arrive.

MESSAGE FROM THE SECRETARY OF STATE

April 24, 1989

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

Dear Mr. O'Donnell:

I acknowledge this day receipt of Reengrossed Legislative Resolution Number 2 passed by the Legislature on the twenty-fourth day of April, 1989, which resolution was signed by the Honorable William E. Nichol, President of the Legislature and yourself as Clerk of the Legislature.

Please be advised that Resolution Number 2 was filed in my office at 10:40 A.M. April 24, 1989.

You should be further advised that my office will take all necessary steps to place the Constitutional Amendment on the general election ballot November, 1990 as provided by statute and as directed in the resolution.

Finally, Mr. Clerk, I would appreciate your placing a copy of this letter in the official Legislative Journal for the current session of the Legislature.

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

SELECT FILE

LEGISLATIVE BILL 330. Ms. Scofield withdrew her pending motion to suspend the rules, found in this day's Journal.

Mr. Chambers offered the following amendment:
FA182
P. 4, lines 1-3: Strike new language, reinstate stricken language.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA183
Amend Pirsch/Bernard-Stevens amendment. Page 2, line 10, after "affinity" add: "Where the word, may, appears in line 7 on page 1, it means a peace officer is not required to make an arrest but he or she may do so."

Mr. Chambers withdrew his pending amendment.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM1523
1. Insert the following new sections:

"Section 1. When investigating cases of suspected abuse or neglect pursuant to sections 28-712 and 28-713 the law enforcement agency or department shall be given unrestricted access by any school or any person or entity standing in loco parentis to a child who is a suspected victim of abuse or neglect for the purpose of interviewing the child. No person shall provide notice to or require consent from any parent or guardian prior to such access. The law enforcement agency or department shall notify the parent or guardian of the child that an interview has taken place within a reasonable time subsequent to such interview.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1988, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. That section 28-710, Revised Statutes Supplement, 1988, be amended to read as follows:

28-710. For purposes of ~~As used in~~ sections 28-710 to 28-727 and section 1 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities, ~~and~~ the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle if such minor child is six years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 4. That section 28-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-716. (1) Any person participating in an

investigation or the making of a report pursuant to ~~the provisions of~~ sections 28-710 to 28-717 or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

(2) Any person who provides unrestricted access to a child who is a suspected victim of abuse or neglect pursuant to section 1 of this act shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Sec. 18. That the Revisor of Statutes shall assign section 1 of this act within sections 28-710 to 28-727, and any reference to such sections shall be construed to include section 1 of this act.

2. On page 10, line 20, after "sections" insert "28-716,"; and in line 22 after the last comma insert "and sections 28-101 and 28-710, Revised Statutes Supplement, 1988,".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Pirsch requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. Wesely moved to suspend Rule 7, §3(d), so as to permit consideration of AM1523 to LB 330.

Mr. Wesely withdrew his pending motion to suspend the rules.

Ms. Scofield moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of the Scofield amendment, AM1521, to LB 330.

The Scofield motion to suspend the rules prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Ms. Scofield offered the following amendment:
AM1521

1. Insert the following new section:

"Sec. 14. That section 43-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

43-532. (1) The Legislature finds and declares that children develop their unique potential in relation to a caring social unit, usually the family, and other nurturing environments, especially the schools and the community. The Legislature further finds that the state shall declare a family policy to guide the actions of state government in dealing with problems and crises involving children and families.

(2) When children and families require assistance from a department, agency, institution, committee, or commission of state government, every reasonable effort shall be made to provide such assistance in the least intrusive and least restrictive method consistent with the needs of the child and to deliver such assistance as close to the home community of the child or family requiring assistance as possible. The policy set forth in this subsection shall be (a) interpreted in conjunction with all relevant laws, rules, and regulations of the state and shall apply to all children and families who have need of services or who, by their circumstances or actions, have violated the laws, rules, or regulations of the state and are found to be in need of treatment or rehabilitation and (b) implemented through the cooperative efforts of state, county, and municipal governments, legislative, judicial, and executive branches of government, and other public and private resources.

(3) The family policy objectives prescribed in sections 43-532 to 43-534 shall not be construed to mean that a child shall be left in the home when it is clearly shown that continued residence in the home places the child at greater risk than removal from the home does.".

2. On page 10, line 21, strike "and" and after the final comma insert "and 43-532,".

3. Renumber the remaining section accordingly.

The Scofield amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Pirsch offered the following amendment:
FA184

1. On page 4, line 2, strike "serious".

SPEAKER BARRETT PRESIDING

The Pirsch amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Barrett requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 586. E & R amendment, AM7053, found in the Journal on page 1711 for the Sixty-Sixth Day, was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1454

(Amendments to the Final Reading copy)

1. On page 4, line 4, strike "sixteen" and insert "fourteen"; in lines 7, 12, and 18 strike "sixty-hundredths" and insert "eighty-hundredths"; in line 9 strike "seventeen" and insert "sixteen"; and in line 15 strike "eighteen" and insert "seventeen".

Mrs. Smith asked unanimous consent to print the following amendment to LB 280 in the Journal. No objections. So ordered.

AM1254

1. On page 3, line 10, after "(2)" insert "Association shall mean any two or more persons acting with a common purpose, regardless of the relative degrees of involvement, and shall include, but not be limited to, the following persons so acting:

(a) A person and one or more of his or her family members. For purposes of this subdivision,

family member shall mean an individual related to the person by blood, marriage, adoption, or legal guardianship as the person's spouse, child, parent, brother, sister, grandchild, grandparent, ward, or legal guardian or any individual so related to the person's spouse; and

(b) Two or more persons living in the same dwelling unit, whether or not related to each other;

(3)" and renumber the remaining subdivisions accordingly.

2. On page 5, line 1, strike "subdivision (6) of" and show as stricken.

3. On page 6, line 17, strike "subdivision (11) of" and show as stricken.

4. On page 13, strike beginning with "subdivision" in line 6 through "of" in line 7, show as stricken, and insert "the definition of factory representative in".

5. Insert the following new section:

"Sec. 10. That section 60-2701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2701. As used in sections 60-2701 to 60-2709, unless the context otherwise requires:

(1) Consumer shall mean the purchaser, other than for purposes of resale, of a motor vehicle normally used for personal, family, household, or business purposes, any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty;

(2) Motor vehicle shall mean a new motor vehicle as defined in ~~subdivision (7) of~~ section 60-1401.02, which is sold in this state, excluding self-propelled mobile homes as defined in section 60-301; and

(3) Manufacturer's express warranty shall mean the written warranty, so labeled, of the manufacturer of a new motor vehicle.".

6. On page 31, line 16, strike "and" and after the second comma insert "and 60-2701,".

7. Renumber remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 182. E & R amendments, AM7060, found in the Journal on page 1729 for the Sixty-Sixth Day, were adopted.

Mr. Coordsen offered the following amendment:
AM1498

1. In the Standing Committee amendment, AM0863, on page 2, line 19, after the period insert "The department may make an immediate change in placement without court approval only if the juvenile is in a harmful or dangerous situation or when the foster parents request that the juvenile be removed from their home. Approval of the court shall be sought within twenty-four hours after making the change in placement or as soon thereafter as possible.".

2. Insert the following new section:

"Sec. 9. That section 43-245, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-245. ~~As used in~~ For purposes of the Nebraska Juvenile Code, unless the context otherwise requires:

(1) Parent shall mean one or both parents or a stepparent when such stepparent is married to the custodial parent as of the filing of the petition;

(2) Parties shall mean the juvenile as described in section 43-247 and his or her parent, guardian, or custodian;

(3) Juvenile court shall mean the separate juvenile court where it has been established pursuant to sections 43-2,111 to 43-2,127 and the county court sitting as a juvenile court in all other counties. Nothing in the Nebraska Juvenile Code shall be construed to deprive the district courts of their habeas corpus, common-law, or chancery jurisdiction or jurisdiction acquired in an action for divorce, legal separation, or annulment;

(4) Traffic offense shall mean any nonfelonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction;

(5) Juvenile shall mean any person under the age of eighteen; ~~and~~

(6) Age of majority shall mean nineteen years of age; and

(7) Cost or costs shall mean (a) the sum or equivalent expended, paid, or charged for goods or services or (b) the contracted or negotiated price.".

3. On page 5, line 12, strike "clear and convincing" and insert "a preponderance of the"; and in line 19 strike "not".

4. On page 8, line 25, reinstate the stricken matter.

5. On page 27, line 22, after "sections" insert "43-245,".

6. Renumber the remaining sections accordingly.

Mr. Coordsen offered the following amendment to his pending amendment:
FA185
by adding: Page 2, line 21 after "services" ", or expenses incurred,"

The Coordsen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The pending Coordsen amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 325. E & R amendments, AM7056, found in the Journal on page 1730 for the Sixty-Sixth Day, were adopted.

Mr. Hefner offered the following amendment:
AM1525

(Amendments to FA158)

1. On page 1, line 2, strike "January" and insert "October"; and in line 8 after the period insert "The determination of quality shall include a study of the environmental impact and fate of such disposable diapers.".

The Hefner amendment was adopted with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1475

(Amendments to AM1339)

1. Strike section 2.

2. On page 2, line 1, strike "election commissioner" and insert "county board of commissioners"; and in line 4 strike "he or she" and insert "the county board".

3. On page 9, line 15, strike "election commissioner" and insert "county board of commissioners" and strike "he or she" and insert "the county board"; in line 16 strike "he or she" and insert "the county board"; in line 19 strike "pursuant to section 32-209"; and in line 24 strike "election commissioner" and insert "county board".

4. On page 12, line 6, strike "1993" and insert "1995"; in lines 8 and 10 after "each" insert "odd-numbered"; in line 11 after the period insert "At the primary election in 1994, one member of the county board in such counties shall be nominated in each even-numbered district established pursuant to section 23-151. At the ensuing general election, one member shall be elected from each even-numbered district established pursuant to such section."; strike beginning with the comma in line 13 through "terms" in line 16; and in line 18 after "1992" insert "or 1994".

5. On page 13, line 1, strike the comma; in line 2 strike "5-108.02," and strike "4" and insert "3"; in line 7 after the last comma insert "and"; and strike beginning with "and" in line 10 through the last comma in line 13.

6. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 683. E & R amendments, AM7059, found in the Journal on page 1820 for the Sixty-Ninth Day, were adopted.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield offered the following amendment:
AM1176

1. On page 9, line 8, after "mains" insert an underscored comma; in line 9 after the first semicolon insert "and"; and strike beginning with the second semicolon in line 9 through "excluding" in line 15 and insert ". Infrastructure project shall not include".

Ms. Scofield requested a record vote on her amendment.

Voting in the affirmative, 14:

Baack	Chambers	Hannibal	Lamb	Scofield
Bernard-Stevens	Dierks	Johnson, R.	Langford	Smith
	Elmer	Kristensen	Morrissey	Warner

Voting in the negative, 21:

Abboud	Crosby	Johnson, L.	Pirsch	Wehrbein
Beck	Goodrich	Landis	Robak	Weihing
Beyer	Hall	Lindsay	Schellpeper	Wesely
Conway	Hefner	McFarland	Schimek	Withem
Coordsen				

Present and not voting, 11:

Ashford	Haberman	Korshoj	Lynch	Peterson
Barrett	Hartnett	Labedz	Moore	Rogers
Byars				

Excused and not voting, 3:

Chizek	Nelson	Schmit

The Scofield amendment lost with 14 ayes, 21 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Conway withdrew his pending amendment, FA162, found in the Journal on page 1705.

Mr. Schmit withdrew his pending amendment, AM1375, found in the Journal on page 1720.

Mr. Warner offered the following amendment:

AM 1528

1. On page 2, line 23, strike "2009" and insert "1994" and strike "sixteen" and insert "twenty-five"; and strike beginning with "four" in line 24 through "thousand" in line 25 and insert "thirteen million five hundred ninety-two thousand seven hundred sixty-six".

2. On page 3, line 1, after the underscored period insert "Commencing July 1, 1994, and continuing until July 1, 1996, the equivalent of twenty-five cents of such tax less eleven million four hundred sixty-six thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1996, and continuing until July 1, 1998, the equivalent of twenty-five cents of such tax less seven million fifty-two thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1998, and continuing until July 1, 2009, the equivalent of twenty-five cents of such tax less four million five hundred thousand dollars each fiscal year of proceeds of such tax shall be placed in the General Fund."; and in line 2 strike "sixteen" and insert "twenty-five".

3. On page 4, strike beginning with "the" in line 8 through "than" in line 10 and show as stricken; in line 11 strike the comma and show as stricken; and strike beginning with "the" in line 23 through "than" in line 25 and show as stricken.

4. On page 5, line 1, strike the comma and show as stricken; and strike beginning with "the" in line 2 through "than" in line 4 and show as stricken.

5. On page 6, strike beginning with the first "the" in line 1 through "subsection" in line 4 and insert "beginning July 1, 1989, and continuing until July 1, 2009, there shall be placed in the Municipal Infrastructure Redevelopment Fund the sum of four

million five hundred thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of four million five hundred thousand dollars each year for fiscal year 1989-90 through fiscal year 2008-09; and

(g) Seventh,"; in lines 4 and 5 reinstate "the balance of such proceeds"; and strike the new matter in lines 8 through 17.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment lost with 12 ayes, 10 nays, 23 present and not voting, and 4 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 683.

Mr. Warner withdrew his pending motion to indefinitely postpone.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM1530

1. Insert the following new section:

"Sec. 12. That section 71-605.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-605.04. The county attorney or coroner shall, within two days of the issuance of the autopsy results showing death suspected due to the sudden infant death syndrome, notify a representative of the Nebraska Sudden Infant Death Syndrome Foundation and the appropriate area community mental health center of the name of the parents of the sudden infant death syndrome victim.".

2. On page 12, line 5, strike "and 43-1314" and insert "43-1314, and 71-605.04".

3. Renumber the remaining section accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1165

1. On page 8, line 3, strike "9" and insert "10"; and in line 21 after "facilities" insert "and that it is in the public interest to allocate the funds among the municipalities so that the smaller the per capita income of the municipality is compared to the per capita income in all municipalities, the more funds that municipality will receive compared to other municipalities".

2. On page 9, strike beginning with "derived" in line 18 through line 22 and insert "determined as provided in section 5 of this act;".

3. Insert the following new section:

"Sec. 5. (1) The municipal allocation amount shall be determined for a given municipality as follows:

(a) Divide the municipality's per capita income by the total municipal per capita income to get the municipality's index;

(b) Subtract the municipality's index from one and multiply the resulting amount by the municipality's population percentage;

(c) Add the amount obtained pursuant to subdivision (b) of this subsection to the municipality's population percentage;

(d) Multiply the amount obtained pursuant to subdivision (c) of this section by the amount of money to be allocated to obtain the municipal allocation amount.

(2) For purposes of this section:

(a) Money income and per capita income shall mean the amounts calculated by the Department of Commerce, Bureau of the Census, as local population estimates and income estimates for counties and incorporated places;

(b) Municipality's population percentage shall mean the percentage determined by dividing the total population of a given municipality by the total population of the state living in municipalities;

(c) Population shall mean the population determined by the most recent federal decennial census; and

(d) Total municipal per capita income shall mean the amount derived by dividing the total money income of all municipalities in the state by the total population of the state living in municipalities.".

4. Renumber the remaining sections accordingly.

MOTION - Adjournment

Mr. Moore moved to adjourn until 9:00 a.m., Tuesday, April 25, 1989. The motion lost with 10 ayes, 15 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 683. Considered.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 683A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 586A. 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 591A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 767A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 769. Title read. Considered.

Standing Committee amendments, AM1035, found in the Journal on page 1404 for the Fifty-Sixth Day, were considered.

Mrs. Labedz withdrew her pending amendment, AM1372, found in the Journal on page 1667.

The Standing Committee amendments were adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Bernard-Stevens and Ms. Schimek withdrew their pending amendment, AM1365, found in the Journal on page 1659.

Mr. Ashford withdrew his pending amendments, AM1425, AM1426, AM1428, and AM1427, found in the Journal on pages 1765 and 1766.

Mr. Lynch renewed his pending amendment, AM1469, found in the Journal on page 1824.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch requested a record vote on his amendment.

Voting in the affirmative, 18:

Ashford	Crosby	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Landis	Schimek	Weihing
Coordsen	Hannibal	Lynch	Scofield	Withem
	Johnson, L.	Moore	Smith	

Voting in the negative, 21:

Abboud	Chizek	Hall	Langford	Robak
Barrett	Conway	Kristensen	Lindsay	Rogers
Beck	Dierks	Labedz	Peterson	Schellpeper
Beyer	Goodrich	Lamb	Pirsch	Wehrbein
Byars				

Present and not voting, 6:

Baack	Hartnett	Hefner	McFarland	Wesely
Haberman				

Excused and not voting, 4:

Chambers Johnson, R. Nelson Schmit

The Lynch amendment lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 569, 569A, 606, and 681.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 569

The following changes, required to be reported for publication in the Journal, have been made:
ER6173

1. In the E & R amendment, AM7018:

a. On page 3, line 18, an underscored comma has been inserted after "limit"; and

b. On page 4, line 13, "for" has been struck.

2. In the Withem amendment, AM1012:

a. On page 1, lines 5 and 6, the new matter has been struck and ", this section, and sections 37 and 39 of this act" inserted;

b. On page 6, line 14, "asystole," has been inserted after "of"; and in line 15 "asystole," has been struck;

c. On page 7, line 12, an underscored comma has been inserted before "registered";

d. On page 10, line 11, "transport" has been struck and "transportation" inserted;

e. On page 11, lines 6 and 14, "shall" has been struck, shown as stricken, and "will" inserted;

f. On page 12, line 6, the period has been struck and an underscored semicolon inserted;

g. On page 19, lines 15 and 21, "government" has been struck, shown as stricken, and "governmental" inserted;

h. On page 20, line 6, "Department of Health" has been struck, shown as stricken, and "department" inserted;

i. On page 25, line 2, "below" has been struck, shown as stricken, and "by the following" inserted;

j. On page 26, line 8, "and" has been struck and shown as stricken; and in line 14 the stricken comma has been reinstated;

k. On page 28, line 1, "must" has been struck and "shall" inserted;

l. On page 32, line 23, the commas have been struck and "or" has been inserted after "state"; and in line 24 the comma has been struck;

m. On page 33, line 2, "the" has been struck and the last comma has been struck; in line 9 the first "the" has been struck; in line 15 "that" has been struck; in line 21 the second "the" has been struck; and in line 22 the comma has been struck;

n. On page 35, line 13, "anywhere in the United States or its possessions" has been inserted after "conducted"; in line 14 the comma has been struck; and the matter beginning with the comma in line 15 through "possessions" in line 16 has been struck;

o. On page 36, line 12, "medical" has been reinstated;

p. On page 49, line 16, "to" has been struck, shown as stricken, and "from" inserted; and

q. On page 50, line 13, "programs" has been struck, shown as stricken, and "program" inserted.

3. On page 1, line 7, "licensure and" has been inserted before "certification"; and in line 8 "certification of emergency medical technicians-A/D and emergency medical technicians-intermediate and for" has been inserted after "for".

4. On page 13, line 23; and page 14, line 5, "service" has been struck.

5. On page 16, line 8, "Certificates" has been struck and "A certificate" inserted.

6. On page 20, line 5, "kind of" has been struck.

7. On page 21, line 20, the first "shall" has been struck and "will" inserted.

Enrollment and Review Change to LB 681

The following changes, required to be reported for publication in the Journal, have been made:

ER6166

1. In the Standing Committee amendments, AM0608:

a. On page 2, line 22, after the period an underscored comma has been inserted;

b. On page 5, line 21, "the" has been struck and "a" inserted;

c. On page 9, lines 19 and 24, "goods" has been struck and "property" inserted;

d. On page 10, lines 2 and 7; and page 15, line 5, "merchandise" has been struck and "property" inserted;

e. On page 11, the matter beginning with "collect" in line 18 through "following" in line 19 has been struck; in line 20 "A" has been struck and "Charge a" inserted; in line 23 "sections 10 and 11" has been struck and "section 10" inserted and the second "and" has been struck and "or" inserted; and in line 24 "Payment" has been struck and "Require payment" inserted;

f. On page 12, line 7, "the" has been inserted after "and"; in line 8 "it" has been struck and "all or a part of the deposit" inserted; and in line 17 "section 4" has been struck and "sections 4 and 5" inserted;

g. On page 13, line 5, "payments" has been struck and "payment" inserted; in line 17 "lease" has been struck; and in line 23, "lease" has been struck and "leased" inserted; and

h. On page 20, line 6, after "agreement" "defined in and" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

COMMUNICATIONS

April 24, 1989

Senator Bernice Labedz
Chairperson - Executive Board
2010 State Capitol
Lincoln, NE 68509

Dear Senator Labedz:

Enclosed is a communication I received from Mr. William F. Swanson, Corporation Secretary, University of Nebraska Board of Regents. The communication involves the anticipated issuance of notes and/or revenue bonds as required by LR 69 adopted March 26, 1987.

I am forwarding this communication to you for reference to the appropriate standing committee.

With kind regards.

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

PJO:r

Enc.

April 24, 1989

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

Dear Mr. O'Donnell:

As required by LR 69 adopted March 26, 1987, the following proposal for anticipated issuance of notes and/or revenue bonds is hereby submitted to the Nebraska Legislature for specific approval pursuant to Neb. Rev. Stat., Section 85-404.

On April 8, 1989, the Board of Regents of the University of Nebraska approved financing plans for Phase III of the Campus Recreation/Athletic Facility on the campus of the University of Nebraska - Lincoln. In view of the current high interest rates, the plan provides for the issuance of BANS (bond anticipation notes) in an amount not to exceed $4,925,000.

These notes would be refunded by the issuance of revenue bonds under the 1964-66 University of Nebraska Student Fees and Facilities Revenue Bond Resolution. Based on current interest rates, we anticipate retirement of the notes/bonds in approximately 8 years, using a pledge of $2.50 of the total $3.50 capital facilities assessment on football tickets.

Of course, if more favorable bond conditions prevail at the time of the financing, the University would not issue BANS but would issue serial revenue bonds directly.

The Board of Regents respectfully requests that the present session of the Legislature adopt an appropriate resolution approving this supplement to the financing plans.

Should additional information regarding this matter be required, please contact John W. Goebel, Vice Chancellor for Business and Finance at UNL. His telephone number is 472-3159.

Respectfully submitted,
The Board of Regents of
the University of Nebraska
(Signed) William F. Swanson
Corporation Secretary

c: Senator Labedz

Speaker Barrett
President Roskens
Chancellor Massengale
Vice President Seagren
Vice Chancellor Goebel

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

FA186
1. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:
"Adding open heart surgery as an additional service, or"
2. On page 16, line 20, strike "(7)" and insert "(8)".

Mr. Withem asked unanimous consent to print the following amendment to LB 812 in the Journal. No objections. So ordered.

FA187
to strike section 11 of LB 812.

Messrs. Withem and Hall asked unanimous consent to print the following amendment to LB 812 in the Journal. No objections. So ordered.

AM1531
1. Strike original section 8 and insert the following new section:
"Sec. 8. The Executive Board of the Legislative Council is hereby authorized to study the need for structural modifications, which study shall include any necessary testing, to the College of Pharmacy Building at the University of Nebraska Medical Center. The study and testing shall be completed by December 31, 1989, and shall focus on the structural integrity of the building, the causes of any structural deficiencies, the cost of repairing the building, and any liability that may exist due to flaws in the design or construction of the building. There is hereby appropriated $100,000 from the State Building Fund for the fiscal year ending June 30, 1990, to complete the study.".

Mr. Warner asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1528

1. On page 2, line 23, strike "2009" and insert "1994" and strike "sixteen" and insert "twenty-five"; and strike beginning with "four" in line 24 through "thousand" in line 25 and insert "thirteen million five hundred ninety-two thousand seven hundred sixty-six".

2. On page 3, line 1, after the underscored period insert "Commencing July 1, 1994, and continuing until July 1, 1996, the equivalent of twenty-five cents of such tax less eleven million four hundred sixty-six thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1996, and continuing until July 1, 1998, the equivalent of twenty-five cents of such tax less seven million fifty-two thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1998, and continuing until July 1, 2009, the equivalent of twenty-five cents of such tax less four million five hundred thousand dollars each fiscal year of proceeds of such tax shall be placed in the General Fund."; and in line 2 strike "sixteen" and insert "twenty-five".

3. On page 4, strike beginning with "the" in line 8 through "than" in line 10 and show as stricken; in line 11 strike the comma and show as stricken; and strike beginning with "the" in line 23 through "than" in line 25 and show as stricken.

4. On page 5, line 1, strike the comma and show as stricken; and strike beginning with "the" in line 2 through "than" in line 4 and show as stricken.

5. On page 6, strike beginning with the first "the" in line 1 through "subsection" in line 4 and insert "beginning July 1, 1989, and continuing until July 1, 2009, there shall be placed in the Municipal Infrastructure Redevelopment Fund the sum of four million five hundred thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of

four million five hundred thousand dollars each year for fiscal year 1989-90 through fiscal year 2008-09; and

(g) Seventh,"; in lines 4 and 5 reinstate "the balance of such proceeds"; and strike the new matter in lines 8 through 17.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teachers from Mount View Elementary School, Omaha; and nine students and teachers from Zion Lutheran, Bancroft.

ADJOURNMENT

At 5:18 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Tuesday, April 25, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - APRIL 25, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 25, 1989

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Naomi Hull, St. Paul Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Nelson who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Haberman, Landis, Lindsay, McFarland, Schmit, Wesely, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

REPORTS

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads for March, 1989.

Received report on the Status of 1988-89 Negotiations Between the Nebraska State Colleges Board of Trustees and the State College Education Association, in accordance with Section 81-1384 (R.R.S. Neb. 1943).

ANNOUNCEMENT

The Chair announced today is Senator Crosby's birthday.

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 1863: The Board of Public Roads Classifications and Standards - James W. Bauer, Lila Churchill, Linda F. Kouth, Eldon Orth, and George R. Williamson.

Voting in the affirmative, 25:

Baack	Dierks	Hefner	Langford	Schellpeper
Beyer	Elmer	Johnson, R.	Moore	Warner
Byars	Goodrich	Korshoj	Morrissey	Wehrbein
Chizek	Hall	Kristensen	Peterson	Weihing
Crosby	Hartnett	Lamb	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 12:

Barrett	Coordsen	Lynch	Robak	Scofield
Chambers	Hannibal	Pirsch	Schimek	Smith
Conway	Johnson, L.			

Excused and not voting, 12:

Abboud	Bernard-Stevens	Labedz	McFarland	Schmit
Ashford		Landis	Nelson	Wesely
Beck	Haberman	Lindsay		

These appointments were confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 82 and LR 83.

GENERAL FILE

LEGISLATIVE BILL 611A. 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.

SELECT FILE

LEGISLATIVE BILL 811. E & R amendments, AM7045, found in the Journal on page 1621 for the Sixty-Second Day, were adopted.

Mr. Coordsen offered the following amendment:
AM1291
1. Strike the Chambers amendment, FA143.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?"

Mr. Haberman moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. McFarland requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Barrett	Elmer	Kristensen	Moore	Schellpeper
Beyer	Haberman	Lamb	Morrissey	Warner
Byars	Hefner	Landis	Peterson	Wehrbein
Coordsen	Johnson, L.	Langford	Pirsch	Weihing
Crosby	Johnson, R.	Lindsay	Rogers	Wesely
Dierks	Korshoj			

Voting in the negative, 14:

Baack	Chambers	Hall	McFarland	Scofield
Beck	Chizek	Hartnett	Schimek	Smith
Bernard-Stevens	Conway	Labedz	Schmit	

Present and not voting, 4:

Hannibal	Lynch	Robak	Withem

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Abboud Ashford Nelson

The motion to cease debate prevailed with 27 ayes, 14 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Barrett	Hannibal	Landis	Peterson	Warner
Byars	Hefner	Langford	Rogers	Wehrbein
Coordsen	Johnson, L.	Lynch	Schellpeper	Weihing
Haberman	Lamb	Moore		

Voting in the negative, 21:

Baack	Chambers	Hall	Lindsay	Schmit
Beck	Chizek	Hartnett	McFarland	Scofield
Bernard-Stevens	Conway	Kristensen	Morrissey	Smith
	Crosby	Labedz	Pirsch	Wesely
Beyer	Elmer			

Present and not voting, 6:

Dierks	Korshoj	Robak	Schimek	Withem
Johnson, R.				

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Abboud Ashford Nelson

The Coordsen amendment lost with 18 ayes, 21 nays, 6 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. McFarland withdrew his pending amendments, AM1002, found in the Journal on page 1271, and AM1348, found in the Journal on page 1645.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 812. E & R amendments, AM7047, found in the Journal on page 1621 for the Sixty-Second Day, were adopted.

Mr. Withem renewed his pending amendment, FA187, found in the Journal on page 1890.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

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.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Chizek	Goodrich	Korshoj	Pirsch
Barrett	Coordsen	Hall	Labedz	Schmit
Beck	Crosby	Hartnett	Lindsay	Smith
Bernard-Stevens	Dierks	Johnson, R.	Lynch	Withem

Voting in the negative, 22:

Baack	Byars	Elmer	Hannibal	Johnson, L.
Beyer	Conway	Haberman	Hefner	Kristensen

Lamb	Morrissey	Schellpeper	Scofield	Weihing
Landis	Robak	Schimek	Warner	Wesely
Langford	Rogers			

Present and not voting, 3:

Chambers	McFarland	Moore

Excused and not voting, 4:

Abboud	Nelson	Peterson	Wehrbein

The Withem amendment lost with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 85. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this study shall be to review the Nebraska Gasohol and Energy Development Act, sections 66-801 to 66-824, for content and for relevance to and compatibility with the Ethanol Authority and Development Act, sections 66-1301 to 66-1325.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 86. Introduced by R. Johnson, 34th District.

PURPOSE: To study whether and under what conditions Nebraska should assume administration of the Federal Insecticide, Fungicide, and Rodenticide Act. Questions shall relate to, but not be limited to, designation of the state lead agency, administrative and enforcement duties of the lead agency, program funding, personnel requirements, and relationship of the Federal Insecticide, Fungicide, and Rodenticide Act to other Environmental Protection Agency proposals concerning endangered species, groundwater protection, farm worker protection, and pesticide residue standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 78, 438, 438A, 646, and 710.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 78

The following changes, required to be reported for publication in the Journal, have been made:
ER6167

1. In the R. Johnson amendment, AM1142:

a. Sections 27 to 32 have been renumbered as sections 29 to 34, respectively;

b. On page 1, line 10, "a" has been inserted after the first comma; in line 11 "an" has been inserted after the stricken "or"; and in line 21 the matter beginning with "Such" through the second comma and "letter of" have been struck and shown as stricken; and

c. On page 2, line 1, "credit, or other" has been struck, the old matter shown as stricken, and "The" inserted; the matter beginning with "Such" in line 8 through the first comma in line 9 has been struck and shown as stricken; in line 9 "letter of credit, or other" has been struck, the old matter shown as stricken, and "The" inserted; and in lines 10 and 11 the new matter has been struck.

2. In the E & R amendment, AM7010, on page 2, line 7, "to change provisions relating to grain warehouse licenses and security requirements; to change penalty provisions for warehouse licensees; to provide penalties for partners, officers, and agents of warehouse licensees; to change enforcement powers of the commission;" has been inserted after the semicolon.

3. On page 1, line 4, "and" has been struck and "88-530, 88-531, 88-532, 88-543, 88-545, and 88-547," has been inserted after the last comma.

Enrollment and Review Changes to LB 438

The following changes, required to be reported for publication in the Journal, have been made:
ER6170

1. On page 7, line 2, "to" has been struck and shown as stricken.

2. On page 9, line 11, "to accept" has been struck, shown as stricken and "Accept" inserted.

Enrollment and Review Change to LB 710

The following changes, required to be reported for publication in the Journal, have been made:
ER6168

1. On page 1, line 1, "for" has been struck and "; to state intent; to provide for a legal analysis as prescribed and" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 812. Messrs. Withem and Hall renewed their pending amendment, AM1531, found in the Journal on page 1890.

Mrs. Labedz and Mr. McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 15 nays, and 23 not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1535

(Amendments to the Final Reading copy)

1. Strike section 5 and insert the following new sections:

"Sec. 5. (1) The minimum annual salary established by this section shall be known as Phase I of the Educational Excellence Program. For each school year beginning after the effective date of this act, the minimum annual salary paid to a full-time teacher as regular compensation shall be seventeen thousand dollars. The minimum annual salary paid to a part-time teacher as regular compensation shall be that portion of seventeen thousand dollars which is equivalent to the proportion of full-time employment held by such teacher.

(2) Each provider shall certify to the department by September 1 of each year the names of all teachers employed by the provider whose regular compensation for the school year is less than seventeen thousand dollars and the total amount needed as minimum salary supplements. The minimum salary supplement for each teacher shall be the total of (a) the difference between seventeen thousand dollars and the teacher's regular compensation and (b) the amount required to pay the employer's share of federal social security and retirement benefit payments on the additional salary. The minimum salary supplement for each part-time teacher shall be that portion of the minimum salary supplement which is equivalent to the proportion of full-time employment held by each such teacher.

(3) The department shall compute the amount payable to each provider as minimum salary supplements and shall provide such information to the State Treasurer by December 1. The State Treasurer shall

distribute such amounts from the fund. This section shall be fully funded. If there are any excess funds in the fund, such excess funds shall be used for the purposes set forth in section 6 of this act. No minimum salary supplements shall be distributed pursuant to this section after the fourth school year following the effective date of this act.

Sec. 6. (1) The general salary increases established by this section shall be known as Phase II of the Educational Excellence Program. Each provider shall certify to the department by September 1 of each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid less than seventeen thousand dollars as regular compensation shall not be counted in the calculation;

(b) A full-time equivalent teacher paid seventeen thousand dollars or more and less than nineteen thousand dollars as regular compensation shall be counted as one-third of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more and less than twenty thousand dollars as regular compensation shall be counted as two-thirds of one full-time equivalent teacher;

(d) A full-time equivalent teacher paid twenty thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(e) A full-time equivalent teacher with a master's degree regardless of his or her regular compensation shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of Phase II program funds using the formula provided in subsection (4) of this section and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute any excess amount in the fund after the distribution made pursuant to section 5 of this act for any year to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and to pay the employer's share of federal social security and retirement benefit payments on such salary increases.".

2. On page 2, strike lines 16 through 18 and insert:

"(3) Phase I program funds shall mean those funds distributed pursuant to section 5 of this act as minimum salary supplements;

(4) Phase II programs funds shall mean those funds distributed pursuant to section 6 of this act for general salary increases;" and in line 19 strike "(4)" and insert "(5)".

3. On page 3, line 1, strike "(5)" and insert "(6)"; in line 5 strike "(6)" and insert "(7)"; and in line 9 strike "section 5" and insert "sections 5 and 6".

4. On page 5, line 19, after "the" insert "Phase I and II"; and in line 25 after "misappropriates" insert "Phase I or II".

5. On page 6, lines 13 and 15, strike "twenty" and insert "twenty-five"; and in line 17 strike "section 5" and insert "sections 5 and 6".

6. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 289. Placed on Select File as amended.
E & R amendment to LB 289:
AM7065

1. In the Schmit amendment, AM1341:

a. On page 1, line 16, strike "66-607" and

insert "66-611";

b. On page 2, line 3, strike "Nebraska" and insert "this state";

c. On page 4, line 10, after the comma insert "or"; and in line 18 strike the first comma;

d. On page 7, line 4, strike "who shall" and insert "for" and strike "it";

e. On page 8, line 4, strike "annually";

f. On page 10, lines 10 and 12, strike "start" and insert "first day"; and in line 14 after "the" insert "first day of the"; and

g. On page 12, line 24, after "the" insert "Petroleum Products and".

LEGISLATIVE BILL 586A. Placed on Select File.
LEGISLATIVE BILL 591A. Placed on Select File.
LEGISLATIVE BILL 767A. Placed on Select File.
LEGISLATIVE BILL 611A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 35 sixth through eighth grade students and teachers from Zion Lutheran School, Pierce; 50 fourth grade students and sponsors from Howard School, Grand Island; 19 third and fourth grade students and teachers from Bradshaw; 20 second grade students, teachers, and parents from Park Elementary School, Lincoln; members of Cottage Homemakers Group from Elmwood; Don and Cybil Beller from Omaha; 40 fourth grade students and sponsors from Wakonda School, Omaha; and Robert and Wanda Bauregard from Minden.

RECESS

At 12:02 p.m., on a motion by Mr. Hall, 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 Mrs. Nelson who was excused; and Messrs. Abboud, Ashford, Baack, Haberman, R. Johnson, Landis, McFarland, Mrs. Beck, and Ms. Scofield who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 812. The pending Withem-Hall amendment, AM1531, found in the Journal on page 1890, and considered on page 1900, was withdrawn.

Messrs. Hall and Withem offered the following amendment:
AM1546

1. Strike original section 8 and all amendments thereto and insert the following new section:

"Sec. 8. (1) The Executive Board of the Legislative Council is hereby authorized to study the need for structural modifications, which study shall include any necessary testing, to the College of Pharmacy Building at the University of Nebraska Medical Center. The study and testing shall be completed by December 31, 1989, and shall focus on the structural integrity of the building, the causes of any structural deficiencies, the cost of repairing the building, and any liability that may exist due to flaws in the design or construction of the building. There is hereby appropriated $100,000 from the State Building Fund to the Legislative Council, for the fiscal year ending June 30, 1990, to complete the study.

(2) If upon conclusion of the study authorized by subsection (1) of this section, the Executive Board of the Legislative Council determines modifications to the College of Pharmacy Building at the University of Nebraska Medical Center are justified and passes a resolution authorizing the expenditure of money appropriated by this subsection, the Board of Regents of the University of Nebraska is hereby authorized to make the necessary structural modifications to such building. There is hereby appropriated an amount not to exceed $2,773,837 from the State Building Fund for the fiscal year ending June 30, 1989, to complete the necessary modifications. Total project cost, including estimated cash fund sources, shall not exceed $3,376,735. Cost recovery due to litigation or other acts may be used to

reduce the estimated cash fund obligation of this project. For any amounts actually contracted relating to the State Building Fund portion of the project that are less than the current cost estimates for construction, contingencies, professional fees, and emergency repairs or consultants, the resultant unobligated appropriation shall lapse to the General Fund. The unexpended balance existing on June 30, 1989, is hereby reappropriated for the fiscal year ending June 30, 1990.".

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 4 nays, and 23 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Moore 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 the Hall-Withem amendment.

Voting in the affirmative, 19:

Abboud	Beyer	Coordsen	Lynch	Schellpeper
Baack	Chambers	Hall	Moore	Smith
Bernard-Stevens	Chizek	Korshoj	Morrissey	Wesely
	Conway	Lamb	Robak	Withem

Voting in the negative, 25:

Ashford	Crosby	Hannibal	Kristensen	Lindsay
Barrett	Elmer	Hefner	Labedz	McFarland
Beck	Goodrich	Johnson, L.	Landis	Peterson
Byars	Haberman	Johnson, R.	Langford	Pirsch

Rogers Schimek Warner Wehrbein Weihing

Present and not voting, 3:

Dierks Hartnett Schmit

Excused and not voting, 2:

Nelson Scofield

The Hall-Withem amendment lost with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

Mr. Schmit moved to reconsider the adoption of the Hall-Withem amendment, AM1546.

Mr. Schmit withdrew his pending motion to reconsider.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 87. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study the feasibility, administration, costs, or savings of and issues regarding the addition of a seasonal employee disqualification provision to the unemployment insurance statutes.

The study shall examine, but not be limited to, the following:

1. Other states that have a seasonal disqualification provision and their experiences with administering, monitoring, and enforcing such a provision;

2. The amount of funds that may be saved with a seasonal disqualification provision and the cost of setting up and administering such a provision;

3. The potential problems of a seasonal disqualification provision.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 247, 247A, 575, 575A, 611, 739, and 739A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 247

The following changes, required to be reported for publication in the Journal, have been made:

ER6169

1. In the Warner amendment, AM1430, on page 1, line 7, "January" has been struck and "July" inserted.

2. In the Wehrbein amendment, AM1457, on page 1, line 6, "Legislative Bill 247, Ninety-first Legislature, First Session, 1989," has been inserted after the first "of" and "of this act" has been struck; in line 8 "such" has been inserted after "of" and "6" has been struck; and in line 9 "to 31 of this act" has been struck.

3. In the Warner amendment, AM1114, on page 22, lines 8 and 20, "and section 26 of this act" has been inserted after "85-967".

4. On page 1, line 2, "commission" has been struck and "committee" inserted; and in line 4 "appropriate funds" has been struck and "provide for an appropriation" inserted.

Enrollment and Review Change to LB 575

The following changes, required to be reported for publication in the Journal, have been made:
ER6176
1. On page 3, line 25, "for" has been struck and "by" inserted.

Enrollment and Review Change to LB 611

The following changes, required to be reported for publication in the Journal, have been made:
ER6171
1. In the Moore amendment, AM1222, on page 4, line 15, "the" has been struck, shown as stricken, and "such taxpayer's" inserted.

Enrollment and Review Change to LB 739

The following changes, required to be reported for publication in the Journal, have been made:
ER6172
1. On page 6, line 13, "deductions" has been inserted after "itemize".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 84. Mr. Chizek withdrew his pending motion, found in the Journal on page 1847, to indefinitely postpone.

Mr. Withem withdrew his pending amendment, AM1347, found in the Journal on page 1638.

Messrs. Lamb, Hall, Chizek, and Moore offered the following amendment:
AM1503

(Amendments to AM7052)

1. On page 2, line 16, strike "or 1990".
2. On page 3, strike beginning with "and" in line 15 through "1990" in line 17.
3. On page 4, line 2, strike "and" through "1990".
4. On page 5, lines 2 and 3, strike "an

annual" and insert "a"; and in line 14 strike "each fiscal year".

5. On page 6, line 6, strike "years" and insert "year" and strike "and 1990".

6. On page 10, strike beginning with the first "and" in line 20 through the second "1990" in line 21.

7. On page 18, line 20, strike "1992" and insert "1991".

8. Strike sections 16 and 17.

9. On page 19, lines 6 and 17, strike "77-3513, 77-3514,".

10. Renumber the remaining sections accordingly.

Mr. Lamb 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. R. Johnson requested a record vote on the Lamb et al. amendment.

Voting in the affirmative, 28:

Abboud	Goodrich	Labedz	Morrissey	Schellpeper
Ashford	Hall	Lamb	Peterson	Schmit
Barrett	Hartnett	Landis	Pirsch	Wehrbein
Beck	Hefner	Langford	Robak	Weihing
Beyer	Korshoj	Lynch	Rogers	Wesely
Chizek	Kristensen	Moore		

Voting in the negative, 15:

Baack	Conway	Elmer	McFarland	Smith
Bernard-Stevens	Coordsen	Johnson, R.	Schimek	Warner
Chambers	Crosby	Lindsay	Scofield	Withem

Present and not voting, 5:

Byars	Dierks	Haberman	Hannibal	Johnson, L.

Excused and not voting, 1:

Nelson

The Lamb et al. amendment was adopted with 28 ayes, 15 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Haberman moved to reconsider the vote on the Lamb et al. amendment, AM1503.

Mr. Haberman withdrew his pending motion to reconsider.

Pending.

Mmes. Pirsch and Beck asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 462. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1095.)

(Signed) Don Wesely, Chairperson

MOTION - Reconsider Action on LB 769

Mr. Chambers moved to reconsider vote on Lynch amendment AM1469, taken 4-24-89.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay and Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

FA188

1. Insert the following section after Sec. 9:

"Sec. 10. Any school nurse or any school counselor who is informed in the course of his or her professional duties by a pregnant woman that such woman is pregnant shall provide to the woman a listing of licensed adoption agencies. The Department of Social

Services shall maintain an updated list of such agencies and shall disseminate it to such persons on request.

Mr. Landis asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1544.)

SELECT FILE

LEGISLATIVE BILL 84. Mr. Bernard-Stevens offered the following amendment:
FA189
Add a new section:
That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent.
Add a 2nd new section:
The provisions of the act shall sunset 2 yrs. from the effective date of this act.

PRESIDENT NICHOL PRESIDING

Mr. Haberman offered the following amendment to the pending Bernard-Stevens amendment:
FA190
Strike the 1st section which calls for a sales tax increase

Mr. Withem requested a ruling of the Chair on whether the Haberman amendment is, in effect, a reconsideration of the Lamb et al. amendment, AM1503.

The Chair ruled the Haberman amendment is out of order.

Mr. Chambers challenged the ruling of the Chair. The question is "Shall the Chair be overruled?"

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 24:

Ashford	Conway	Kristensen	Moore	Scofield
Baack	Coordsen	Labedz	Morrissey	Smith
Bernard-Stevens	Haberman	Langford	Rogers	Warner
	Hall	Lindsay	Schimek	Wehrbein
Chambers	Johnson, R.	McFarland	Schmit	Wesely

Voting in the negative, 20:

Abboud	Chizek	Goodrich	Lamb	Robak
Barrett	Crosby	Hefner	Landis	Schellpeper
Beyer	Dierks	Johnson, L.	Lynch	Weihing
Byars	Elmer	Korshoj	Peterson	Withem

Present and not voting, 2:

Hannibal Hartnett

Excused and not voting, 3:

Beck Nelson Pirsch

The Chambers motion to overrule the Chair prevailed with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

The Haberman amendment, FA190, was renewed.

The Chair declared the call raised.

Mr. Lindsay asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman withdrew his pending amendment, FA190.

Mr. Bernard-Stevens withdrew his pending amendment, FA189.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Chizek, Schmit, Withem, Chambers, McFarland, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1515

1. On page 104, strike line 16 and insert:
"GENERAL FUND 522,123 471,550";
strike line 19 and insert:
"PROGRAM TOTAL 737,478 685,216";
in line 21 strike "$398,364" and insert "$427,364"; and
in line 24 strike "$398,364" and insert "$427,364".
2. On page 106, strike line 3 and insert:
"GENERAL FUND 963,058 933,468";
and strike line 6 and insert:
"AGENCY TOTAL 1,178,403 1,147,134".

Mr. Schmit asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1560

1. On page 6, after line 20 insert
"(5) Program No. 128 - Grain Marketing Compact

	FY1989-90	FY1990-91
GENERAL FUND	50,000	-0-
PROGRAM TOTAL	50,000	-0-";

and in line 21 strike "(5)" and insert "(6)".
2. On page 7, line 5, strike "(6)" and insert "(7)"; and in line 17 strike "(7)" and "(8)".
3. On page 8, line 7, strike "8,588,014" and insert "8,638,014"; and in line 9 strike "8,618,014" and insert "8,668,014".

Mr. Ashford asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1272

1. In the Standing Committee amendments, AM0777, strike beginning on page 1, line 3 through page 13, line 11, and insert
"Section 1. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
23-151. (1) Each county, under commissioner organization, having not more than three hundred

thousand inhabitants~~,~~ shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150~~,~~ which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into ~~five~~ seven districts numbered respectively, one, two, three, four, ~~and~~ five, six, and seven. Such districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county. District boundary lines shall not be ~~and not~~ subject to alteration more often than once in four years. One commissioner shall be nominated and elected ~~by each of said districts,~~ from each district but shall be elected by the ~~qualified electors~~ registered voters of the entire county in counties having a population ~~in excess of~~ of more than one hundred thousand.

(2) In counties having more than three hundred thousand inhabitants, the establishment of district boundary lines pursuant to this section shall be completed not later than December 1, 1991, or within one year after the county attains a population of more than three hundred thousand inhabitants, whichever occurs later.

(3) The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session. In counties having more than three hundred thousand inhabitants~~,~~ and in counties where a majority have voted for five commissioners~~,~~ ~~(1)~~ (a) counties which elect members of the board on an at-large basis shall continue to appoint and elect additional members at large~~,~~ and ~~(2)~~ (b) in counties which elect by district, it shall be the duty of the county board of such county, at ~~their~~ its first meeting after the publication of the state or federal census~~,~~ or after an election deciding to have five commissioners, to divide ~~said~~ the county into five commissioner districts~~,~~ as provided by law.

(4) The three commissioners of such county whose terms of office will expire after ~~said~~ the election shall continue in office until the expiration of the terms for which they were elected and until their

successors are elected and qualified. Two commissioners shall be appointed, pursuant to section 32-1040, to serve until the first Thursday after the first Tuesday in January following the next general election. At such next general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings will be accepted for ~~a term~~ terms of two years and for ~~a term~~ terms of four years so that two members will be elected to four-year terms at one election and three members will be elected to four-year terms at the next election. Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. ~~After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section.~~ Nothing in this section shall be construed to prohibit the reelection of commissioners currently holding office ~~as long as~~ if such commissioner is reelected to represent his or her respective district.

Sec. 2. This act shall become operative on January 1, 1991.

Sec. 3. That original section 23-151, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Wesely asked unanimous consent to print the following amendments to LB 429 in the Journal. No objections. So ordered.

(1)

AM1547

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 5 through "on" in line 8; and in line 8 after "13" insert a comma.

2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "seven hundred fifty thousand dollars".

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:

"The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;

(c) Chronic renal dialysis; or

(d) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(9)"; in line 20 strike "(7)" and insert "(8)"; and after line 21 insert the following new paragraph:

"Notwithstanding subdivision (8)(b) of this section, open heart surgery shall not be subject to the provisions of the Nebraska Health Care Certificate of Need Act if a hospital has the capacity to perform cardiac catheterization or angioplasty and such hospital has applied for a certificate of need to perform open heart surgery on or before April 15, 1989.".

4. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "nine hundred thousand".

(2)

AM1548

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 5 through "on" in line 8; and in line 8 after "13" insert a comma.

2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "seven hundred fifty thousand dollars".

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:

"The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;

(c) Chronic renal dialysis; or

(d) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(9)"; and in line 20 strike "(7)" and insert "(8)".

4. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "nine hundred thousand".

(3)

AM1539

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 5 through "on" in line 8; and in line 8 after "13" insert a comma.

2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "five hundred thousand dollars".

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:

"The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;

(c) Positron emission tomography;

(d) Magnetic resonance imaging, whether a fixed or mobile unit;

(e) Therapeutic radiology;

(f) Chronic renal dialysis;

(g) Extracorporeal shock wave; or

(h) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(9)"; in line 20 strike "(7)" and insert "(8)"; and after line 21 insert the following new paragraph:

"Notwithstanding subdivision (8)(b) of this section, open heart surgery shall not be subject to the provisions of the Nebraska Health Care Certificate of Need Act if a hospital has the capacity to perform cardiac catheterization or angioplasty and such hospital has applied for a certificate of need to perform open heart surgery on or before April 15, 1989.".

4. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "eight hundred thousand".

5. On page 28, line 21, strike "or"; and in line 23 after "equipment" insert "; or

(8) Axial computerized tomography, whether a fixed or mobile unit".

(4)

AM1517

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 6 through "on" in line 8; and in line 8 after "13" insert a comma.

2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "five hundred thousand dollars".

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:

"The addition of any of the following services:

(a) Neonatal care II and III;

(b) Open-heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;

(c) Positron emission tomography;

(d) Magnetic resonance imaging, whether a fixed or mobile unit;

(e) Therapeutic radiology;

(f) Chronic renal dialysis;

(g) Extracorporeal shock wave; or

(h) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or

(9)"; and in line 20 strike "(7)" and insert "(8)".

4. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "eight hundred thousand".

5. On page 28, line 21, strike "or"; and in line 23 after "equipment" insert "; or

(8) Axial computerized tomography, whether a fixed or mobile unit".

(5)

AM1513

1. Insert the following new sections:

"Sec. 43. Sections 43 to 59 of this act shall

be known and may be cited as the Certificate of Need Reporting Act.

Sec. 44. The purpose of the Certificate of Need Reporting Act shall be to:

(1) Make information available to governmental agencies and to the public who finances the cost of health care by public tax funds, tax exemptions, contributions, insurance premiums, and patient rate charges; and

(2) Promote the economic delivery of high quality and cost-effective health care services to the people of this state by establishing a uniform health care reporting system for health care facilities which provides health data of a current and comparable nature.

Sec. 45. For purposes of the Certificate of Need Reporting Act, the definitions in sections 46 to 50 of this act shall apply.

Sec. 46. Department shall mean the Department of Health.

Sec. 47. Director shall mean the Director of Health.

Sec. 48. Health care facility shall include a hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center, including a free-standing hemodialysis unit, intermediate care facility, ambulatory surgical facility, and any other comparable facility.

Sec. 49. Health care reporting shall mean the collecting of any health data by local, state, or federal agencies from health care facilities.

Sec. 50. Health data shall mean any financial, economic, or morbidity information collected from a health care facility by local, state, or federal agencies relating to the health status of people, the availability or need of health resources and services, and the use and cost of such resources and services.

Sec. 51. (1) The department shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act to establish a uniform system of financial reporting for health care facilities. Such reporting system shall include cost allocation methods by which health care facilities record their revenue, expenses, income, assets, liabilities, and units of service. Such system shall

provide for the collection of current and comparable data relating to health care facility costs. Such system shall also include the condition established, after study, to be chiefly responsible for occasioning the admission of the patient for care, the expected source of payment for such care, and the disposition of the patient. Health care facilities may utilize any accounting system which complies with the uniform reporting system established by the department. All health care facilities shall adopt the uniform reporting system for their fiscal-year period at such time and date as the department shall direct. In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform health care facility reporting information to effectuate the purposes of the Certificate of Need Reporting Act and the administrative and economic difficulties which health care facilities may encounter in conversion to such uniform reporting system.

(2) In establishing such uniform reporting system of reporting the department shall consider the following:

(a) Existing systems of reporting presently utilized by health care facilities;

(b) Differences among health care facilities according to size, financial structure, methods of payment for services, and scope, type, and method of providing services; and

(c) Any health care reporting information or other information provided by and available to governmental agencies.

(3) The department shall, when appropriate, provide for modification, consistent with the purposes of the Certificate of Need Reporting Act, of reporting requirements to correctly reflect the differences among health care facilities specified in subdivision (2)(b) of this section to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform reporting system.

(4) Such uniform reporting system, when appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by health care facilities, as distinguished from those incurred with reference to

nonpatient-related activities, including, but not limited to, charitable activities of such facilities.

Sec. 52. To further the purposes of the Certificate of Need Reporting Act, the department may create ad hoc advisory committees in specialized fields, including, but not limited to, consumer, health care, or insurance interests, to supplement the resources of the department.

Sec. 53. (1) Each separately licensed health care facility shall file annually with the department after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the health care facility;

(b) A statement of income and expenses;

(c) Such other reports of the costs incurred in rendering services as the department may prescribe; and

(d) Information necessary to establish the state health-care-cost index.

(2) The department shall require certification of specified financial reports by a certified public accountant and may require attestation as to such statements from responsible officials of the health care facility that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of reporting.

(3) All reports, except privileged medical information, filed pursuant to the Certificate of Need Reporting Act shall be open to public inspection.

(4) The department shall have the right of inspection of books, audits, and records as reasonably necessary to verify health care facility reports.

Sec. 54. (1) The department shall from time to time undertake analyses and studies relating to health care facility costs and to the financial status of any such facility subject to the Certificate of Need Reporting Act and may publish and disseminate such information as it deems desirable in the public interest.

(2) The department shall also prepare and file any summaries and compilations or other supplementary reports based on the information filed with the department under the act as will advance the purposes of the act.

Sec. 55. The department shall prepare and, prior to each legislative session, transmit to the Governor and to the Clerk of the Legislature an annual report which includes a compilation of all summaries and reports required by sections 51 to 54 of this act, together with such findings and recommendations as the department deems necessary.

Sec. 56. In addition to the powers granted to the department in the Certificate of Need Reporting Act, the department may:

(1) Adopt, promulgate, amend, and repeal rules and regulations regarding the powers conferred by the Certificate of Need Reporting Act subject to the Administrative Procedure Act; and

(2) Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection with such hearings. The department may administer oaths or affirmations in any hearing or investigation.

Sec. 57. Any order or decision of the director may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 58. Any person who violates or knowingly aids and abets the violation of the Certificate of Need Reporting Act or who fails to perform any duty under the act shall be guilty of a Class IV misdemeanor. Following official notice to the accused by the department of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the act may be enjoined from continuing such violation.

Sec. 59. In addition to the penalty provided in section 58 of this act, any health care facility which fails to comply with the Certificate of Need Reporting Act shall be subject to suspension or revocation of its license.

Sec. 60. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

(6)

AM1309

1. Insert the following new section:

"Sec. 2. That section 71-2020, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2020. (1) Applicants for a license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a license fee of one hundred twenty-five dollars as a base fee. In addition to such base fee, hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a fee of five dollars for each bed available for patients of the facility, and all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to the applicant.

(2) Applications shall be signed ~~(1)~~ (a) by the owner, if an individual or partnership, ~~(2)~~ (b) by two of its officers, if a corporation, or ~~(3)~~ (c) by the head of the governmental department having jurisdiction over it, if a governmental unit.

(3) Applications shall set forth (a) the full name and address of the institution for which license is sought, and of the owner in case of different address, (b) the names of the persons in control thereof, ~~and~~ (c) such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully ~~prescribed~~ adopted and promulgated hereunder, and (d) such morbidity data which the Department of Health deems pertinent for a comparative analysis of the operations of hospitals. The data shall include the condition of the patient, procedures performed, patient outcome, discharge status, and expected source of payment. The data shall be

furnished by hospitals on forms supplied by the Director of Health, which forms shall not jeopardize the confidentiality of the patient and the physician.

(4) The morbidity data compiled under this section shall be open to public inspection under rules and regulations adopted and promulgated by the Department of Health.".

2. On page 4, strike line 24 and insert "sections 8, 11, 13, 29, and 32 to 35 of this act".

3. On page 6, line 1, strike "7, 10, and 12" and insert "8, 11, and 13".

4. On page 9, line 24, strike "32" and insert "33".

5. On page 52, line 6, after "71-1637," insert "71-2020,".

6. Renumber the remaining sections accordingly.

7. In the Standing Committee amendment, AM0664, strike amendment 2.

(7)

AM1538

1. Insert the following new section:

"Sec. 2. That section 71-2020, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2020. (1) Applicants for a license shall file applications under oath or affirmation with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a license fee of one hundred twenty-five dollars as a base fee. In addition to such base fee, hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded shall pay a fee of five dollars for each bed available for patients of the facility, and all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to

the applicant.

(2) Applications shall be signed ~~(1)~~ (a) by the owner, if an individual or partnership, ~~(2)~~ (b) by two of its officers, if a corporation, or ~~(3)~~ (c) by the head of the governmental department having jurisdiction over it, if a governmental unit.

(3) Applications shall set forth (a) the full name and address of the institution for which license is sought, and of the owner in case of different address, (b) the names of the persons in control thereof, ~~and~~ (c) such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully ~~prescribed~~ adopted and promulgated hereunder, and (d) such statistical, morbidity, financial, and operational data which the Department of Health deems pertinent for a comparative analysis of the operations of hospitals.

(4) Statistical data shall be furnished by hospitals on forms supplied by the Director of Health, which forms shall not jeopardize the confidentiality of the patient and the physician. Financial data shall be prepared and presented by an independent auditor who is not an employee of any hospital or related agency, in accordance with a standard format developed by the Director of Health, and shall separate all administrative and indirect costs from total expenses. A copy of the statistical and financial data compiled under this section shall be furnished to the Department of Social Services.

(5) The statistical, morbidity, financial, and operational data compiled under this section shall be open to public inspection under rules and regulations adopted and promulgated by the Department of Health.".

2. On page 4, strike line 24 and insert "sections 8, 11, 13, 17, 30, and 33 to 36 of this act".

3. On page 6, line 1, strike "7, 10, and 12" and insert "8, 11, and 13".

4. On page 9, line 24, strike "32" and insert "33".

5. On page 52, line 6, after "71-1637," insert "71-2020,".

6. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 84. Mr. Haberman moved to reconsider the adoption of the Lamb et al. amendment, AM1503.

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.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman requested a record vote on his motion to reconsider.

Voting in the affirmative, 21:

Baack	Dierks	Johnson, R.	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Rogers	Warner
Conway	Haberman	Labedz	Schellpeper	Weihing
Coordsen	Hefner	McFarland	Scofield	Withem
	Johnson, L.			

Voting in the negative, 21:

Abboud	Crosby	Hartnett	Lynch	Schimek
Ashford	Goodrich	Korshoj	Moore	Schmit
Barrett	Hall	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Robak	Wesely
Chizek				

Present and not voting, 2:

Byars	Chambers

Excused and not voting, 5:

Beck	Langford	Lindsay	Nelson	Pirsch

The Haberman motion to reconsider lost with 21 ayes, 21 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud	Chizek	Hall	Lamb	Rogers
Ashford	Conway	Hannibal	Landis	Schellpeper
Baack	Coordsen	Hartnett	Lynch	Schmit
Barrett	Crosby	Hefner	Moore	Scofield
Bernard-Stevens	Dierks	Johnson, R.	Morrissey	Smith
	Elmer	Korshoj	Peterson	Weihing
Beyer	Goodrich	Kristensen	Robak	Withem
Byars	Haberman	Labedz		

Voting in the negative, 4:

McFarland	Schimek	Warner	Wesely

Present and not voting, 3:

Chambers	Johnson, L.	Wehrbein

Excused and not voting, 5:

Beck	Langford	Lindsay	Nelson	Pirsch

Advanced to E & R for Engrossment with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 84A. Mr. Lamb withdrew his pending amendments, AM1392, found in the Journal on page 1732, and AM1435, found in the Journal on page 1821.

Mr. Lamb offered the following amendment:
AM1563

(Amendments to AM1435)

1. On page 1, line 5, strike "$735,844" and insert "$526,475"; in line 13 strike "$402,976" and insert "$322,381"; in line 16 strike "$10,100,000" and insert "$53,400,000"; and in line 17 strike "$51,400,000" and insert "$40,300,000".

2. Strike section 3.

3. Renumber the remaining section

accordingly.

The Lamb amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1557

(Amendments to AM7052)

1. On page 3, line 17, strike "ten" and insert "seven"; and strike beginning with "up" in line 18 through "taxpayer" in line 19.

2. On page 6, strike beginning with "there" in line 6 through line 8 and insert "any owner of a homestead filing an application shall receive the greater of (1) an exemption of the first six thousand eight hundred dollars of the actual value of the homestead or (2) the rebate authorized in section 4 of this act.".

3. Strike AM1503.

VISITORS

Visitors to the Chamber were 25 sixth grade students, teacher, and sponsors from Henderson; 20 eighth grade students and teacher from St. Patrick's, McCook; 18 sixth, seventh, and eighth grade students and teacher from Pender; 60 seniors and teacher from Superior; 46 fourth grade students and teachers from Norfolk; and Ricardo Lespin de la Cruz from the Dominican Republic, Fernando Centeno Chong from Nicaragua, Guillermo Rodriguez Munoz from Colombia, Edgar Gutierrez Perez from Guatemala, Juan Jose Meier from Peru, Rose Marie Aragon and Eva Desrasiers from the U.S. State Department.

ADJOURNMENT

At 5:30 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, April 26, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - APRIL 26, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 26, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Curtis Benson, Redeemer Lutheran Church, Hooper, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Conway, Haberman, Hartnett, R. Johnson, Lindsay, Lynch, Schmit, Mmes. Beck, Labedz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1550

(Amendments to Final Reading copy)

1. On page 3, line 23, strike "2009" and insert "1994" and strike "sixteen" and insert "twenty-five"; and strike beginning with "four" in line

24 through "thousand" in line 25 and insert "thirteen million five hundred ninety-two thousand seven hundred sixty-six".

2. On page 4, line 1, after the underscored period insert "Commencing July 1, 1994, and continuing until July 1, 1996, the equivalent of twenty-five cents of such tax less eleven million four hundred sixty-six thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1996, and continuing until July 1, 1998, the equivalent of twenty-five cents of such tax less seven million fifty-two thousand three hundred ninety-one dollars each fiscal year of proceeds of such tax shall be placed in the General Fund. Commencing July 1, 1998, and continuing until July 1, 2009, the equivalent of twenty-five cents of such tax less four million five hundred thousand dollars each fiscal year of proceeds of such tax shall be placed in the General Fund."; and in line 2 strike "sixteen" and insert "twenty-five".

3. On page 5, strike beginning with "the" in line 8 through "than" in line 10 and show as stricken; in line 11 strike the comma and show as stricken; and strike beginning with "the" in line 23 through "than" in line 25 and show as stricken.

4. On page 6, line 1, strike the comma and show as stricken; and strike beginning with "the" in line 2 through "than" in line 4 and show as stricken.

5. On page 7, strike beginning with the first "the" in line 1 through "subsection" in line 4 and insert "beginning July 1, 1989, and continuing until July 1, 2009, there shall be placed in the Municipal Infrastructure Redevelopment Fund the sum of four million five hundred thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of four million five hundred thousand dollars each year for fiscal year 1989-90 through fiscal year 2008-09; and

(g) Seventh,"; in lines 4 and 5 reinstate "the balance of such proceeds"; and strike the new matter in lines 8 through 17.

SELECT FILE

LEGISLATIVE BILL 586A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 591A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 611A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 301. Title read. Considered.

Standing Committee amendment, AM1422, found in the Journal on page 1831 for the Seventieth Day, was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendment, AM1444, found in the Journal on page 1832 for the Seventieth Day, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 303A. Title read. Considered.

Standing Committee amendments, AM1263, printed separately from the Journal and referred to on page 1832 for the Seventieth Day, were adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Messrs. Korshoj and Hefner asked unanimous consent to be excused until they return. 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.

LEGISLATIVE BILL 813. Title read. Considered.

SPEAKER BARRETT PRESIDING

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

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.

Floyd P. Vrtiska - Environmental Control Council

VOTE: Aye: Senators Schmit, Lamb, Elmer, Morrissey, and Weihing. Absent: Senators Beck, Rod Johnson, and Smith.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Thursday, May 4, 1989 (Cancel) 1:15 p.m.
Phyllis Anstine - Crime Victims Reparations Committee

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 308 in the Journal. No objections. So ordered.

FA191

(Amendments to AM1409)

PURPOSE: Provide deficit funding for the 1987-88 school lunch undermatch.

AMENDMENT 1:

On page 5, after the semicolon in line 10, insert: "in lines 20, 21 and 23, strike "100,000" and insert "155,000"; in line 20, strike "186,684" and insert "241,684"; in line 21, strike "276,886" and insert "331,886."

PURPOSE: To correct an error in the committee amendment that strikes section 28 of the bill, the deficit recommendation for $84,150 (General) for Anti-Drug Abuse Act state matching funds.
AMENDMENT 2:
Strike section 16 of the committee amendment.

Messrs. Haberman and Conway asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1570

(Amendments to Final Reading copy)

1. Strike original section 23 and insert the following new section:

"Sec. 23. 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.".

MESSAGES FROM THE GOVERNOR

April 26, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 361 and 361A were received in my office on April 24, 1989.

These bills were signed by me on April 26, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 26, 1989

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 508, 509, 605, 627, 669, 722, and 793 were received in my office on April 21, 1989.

These bills were signed by me on April 26, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 591A.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 813. Considered.

Messrs. R. Johnson, Schmit, Kristensen, and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 330 and 586.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 330

The following changes, required to be reported for publication in the Journal, have been made:
ER6174

1. In the Standing Committee amendments, AM0387, on page 4, line 6, "of each" has been struck and "each of the" inserted.

2. On page 1, line 1, "abuse" has been struck and "matters" inserted; in line 2 "and" has been struck; in line 3 after the first comma "and 43-532," has been inserted; in line 5 "redefine a term" has been struck and "define and redefine terms" inserted; and in line 10 after the semicolon "to provide for construction of certain sections;" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 89038

DATE: April 24, 1989

SUBJECT: Constitutionality of LB 809, as amended - Property Tax Relief Trust Fund Act

REQUESTED BY: Senator Dennis M. Byars
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of LB 809, as amended by Revenue Committee Amendment AM 1384. Generally, LB 809 would create a Property Tax Relief Trust Fund, which would be based on the amount by which net general fund receipts from state tax revenues exceed projected or forecasted net general fund receipts for the fiscal year. The Fund would be distributed to county treasurers to reimburse local taxing subdivisions for reduced revenues resulting from the percentage of tax relief provided to all property taxpayers by operation of the Act. As originally drafted, the bill provided that all property taxpayers would be eligible to receive the same percentage of any tax relief available. The Committee Amendment, however, would place a $500.00 limit on the amount of property tax relief available to any taxpayer. Your question is whether the bill, as amended, providing for an equal

percentage of relief to all taxpayers but limiting the extent of the relief to any one taxpayer to a maximum dollar amount, is constitutional.

Article VIII, Section 1 of the Nebraska Constitution, provides, in pertinent part: "Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, . . ." In State ex rel. Bee Building Co. v. Savage, 65 Neb. 714, 91 N.W. 716 (1902), the Nebraska Supreme Court, discussing the purpose of the constitutional principle mandating uniform and proportionate taxation of property, stated:

> The dominant idea of the organic law is that needful revenues for the purpose of defraying expenses of state and municipal government shall be raised by levying a tax on property by valuation in such manner as that every owner of property subject to taxation shall pay taxes in proportion to the value of the property owned. . . . It is equally obvious that in order to comply with the intent and spirit of the fundamental law, as well as the statutes enacted in pursuance thereof, all property valued and assessed for revenue purposes should be assessed at a uniform value, to the end that every person and corporation shall contribute his or its just and fair proportion of the needful revenues for governmental purposes.
>
> * * *
>
> The paramount object of the constitution, and the laws relative to taxation, as we conceive the rule to be, is to raise all needful revenues by valuation of the taxable property so that each owner of property taxed will contribute his or its just proportion of the public revenues.

Id. at 742-43, 91 N.W. at 719-20. See also Equitable Life v. Lincoln County Board of Equalization, 229 Neb. 60, 62, 425 N.W.2d 320, 322 (1988) (noting the uniformity requirement was adopted "{i}n apparent recognition of the reality that governmental costs not shared by one group of taxpayers must necessarily be shifted to and borne by the remaining taxpayers, . . .").

The rule of uniformity applies to both the rate of taxation and the valuation of property for tax purposes. State ex rel. Douglas v. State Board of Equalization and Assessment, 205 Neb. 130, 286 N.W.2d 729 (1979); Grainger Brothers Co. v. County Board of Equalization, 180 Neb. 571, 144 N.W.2d 161 (1966). All real property and taxable personal property are in the same class for purposes of taxation, and must be valued and assessed uniformly and proportionately in accordance with the mandate of Article VIII, Section 1. Grainger Brothers, 180 Neb. at 582, 144 N.W.2d at 168- 69. "Taxing authorities may not withdraw any property from the principle of uniformity of taxation as provided by the Constitution and statutes

of the state and one owner of property cannot be compelled to pay a greater proportion of taxes according to the value of his property than another property owner of the same class is required to pay." Chicago, B. & Q. R.R. Co. v. State Board of Equalization & Assessment, 170 Neb. 77, 78, 101 N.W.2d 856, 858 (1960) (syllabus of court). In sum, the uniformity clause has been construed by the court to prohibit discrimination between property taxpayers "in any manner." State ex rel. Cornell v. Poynter, 59 Neb. 417, 428, 81 N.W. 431, 433 (1899).

In addition to the uniformity clause contained in Article VIII, Section 1, of the Nebraska Constitution, Article VIII, Section 4 contains a prohibition against legislative action releasing or discharging taxpayers from their proportionate share of taxes. Specifically, Article VIII, Section 4 provides, in pertinent part:

> . . . the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; . . . . (1)

The rationale behind the prohibition against the release or forgiveness of taxes contained in Article VIII, Section 4, and its interrelationship with the uniformity clause, was discussed by the Nebraska Supreme Court in Peterson v. Hancock, 155 Neb. 801, 54 N.W.2d 85 (1952) as follows:

> In Steinacher v. Swanson, 131 Neb. 439, 268 N. W. 317, this court held that: "The legislature does not have the power to release or discharge a tax, such action being prohibited by section 4, art. VIII of the Constitution." Further, "Neither may the legislature circumvent an express provision of the Constitution by doing indirectly what it may not do directly." The opinion, quoting from County of Lancaster v. Trimble, 33 Neb. 121, 49 N. W. 938, said: " 'The legislature is without power to release any inhabitant or corporation from his or its proportionate share of taxes, nor can it confer such authority upon county commissioners. * * * The legislature is powerless to confer such authority. It cannot do indirectly what the Constitution prohibits it from doing directly; that is clear. Wood v. Helmer, 10 Neb. 65, 68.' "
>
> In State ex rel. Cornell v. Poynter, 59 Neb. 417, 81 N. W. 431, this court held: "The rule of uniformity prescribed by section 1, article 9, of the constitution, inhibits the legislature from discriminating between taxpayers in any manner whatever.

"Under section 4, article 9, of the constitution the legislature is powerless to pass a law releasing or discharging any individual or corporation or property from the payment of any portion of the taxes to be levied for state or municipal purposes." In the opinion, it is said: "The rule of uniformity inhibits the legislature from discriminating between taxpayers in any manner. See State v. Graham, 17 Nebr., 43. In every instance where this court has spoken upon the subject it has been determined that the legislature is powerless to relieve from the burdens of taxation the property of any individual or corporation, but that the constitutional rule of uniformity requires all taxable property within the taxing district where the assessment is made shall be taxed, except property specifically exempt by the fundamental law. This doctrine is entirely sound, and the language of the constitutional provision we have been considering will not authorize or permit of any other or different interpretation.

"By section 4, article 9, of the constitution the legislature, in plain and unequivocal language, is inhibited from enacting any law releasing or discharging any individual or corporation or property from their or its proportional share of taxes to be levied for state or municipal purposes."

Id. at 821-23, 54 N.W.2d at 96-97.

As noted in a previous opinion issued by our office, ". . . the constitutional prohibition against the forgiveness of taxes is merely another manifestation of the principle of uniformity of taxation set forth in Article VIII, Section 1, of the Constitution. Taxpayers must simply be treated uniformly throughout the entire process of taxation." Attorney General Opinion No. 45, March 27, 1985. In essence, the uniformity requirement of Article VIII, Section 1, and the prohibition against the release or discharge of taxes contained in Article VIII, Section 4, both operate to inhibit the imposition of non-uniform and disproportionate tax burdens on property owners in this state.

Upon consideration of the foregoing, we believe it is evident that LB 809, as currently amended, would violate these constitutional principles for the reason that the establishment of a dollar limitation on the amount of property tax relief provided would necessarily result in the imposition of non-uniform and disproportionate tax burdens on the property of certain taxpayers. As you note in your request, while specific amounts of tax liability and tax relief are dependent upon local tax rates and funding made available under the terms of the bill, the Nebraska Department of Revenue has estimated that, based on an average tax rate of 2.6 percent and the availability of funding to provide tax relief at the level of 5 percent of tax liability,

the $500.00 threshold would be reached when a taxpayer's valuation exceeded approximately $384,000.00, at which level the taxpayer would have a tax liability of $10,000.00. The Department has indicated that over 38,000 farms, several hundred residences, 7,000 commercial and industrial properties, and 80 centrally assessed properties would have valuations in excess of this $384,000.00 valuation figure. Any property owner falling in this category would receive less than the five percent relief provided to all other property owners by operation of the $500.00 maximum relief provision contained in LB 809. The exact percentage of relief for any such taxpayer would depend upon the amount by which their tax liability exceeded the $10,000.00 figure at which the $500.00 maximum relief threshold would be reached.

Another way of demonstrating the disparate impact of the $500.00 limitation on tax relief available to any taxpayer under the bill is to examine the effective tax rate placed on property owners under such a provision. Assuming a tax rate of 2.6 percent and funding to provide 10 percent relief, the Department has calculated that a homeowner with a residence valued at $50,000.00 would be taxed at an effective rate of 2.3 percent; a farmer with land valued at $250,000.00 would be taxed at an effective rate of 2.4 percent; and a utility valued at $10 million would be taxed at an effective rate of 2.6 percent. It is, therefore, apparent that the imposition of a maximum dollar limitation on the amount of property tax relief provided under LB 809 would effectively result in the imposition of non-uniform and disproportionate taxation in relation to the value of various properties after the point at which a taxpayer's liability exceeds the amount necessary to reach the $500.00 maximum amount of relief.

It is true that LB 809 does not directly provide for the imposition of different tax rates on various property owners, nor does it directly alter the taxable value of any property subject to taxation. As we have pointed out, however, the effect of the provision of a $500.00 maximum amount of relief for any property taxpayer is to create non-uniform and disproportionate tax burdens among taxpayers to the extent that certain large taxpayers will effectively be compelled to pay at a higher rate in proportion to the value of their property in comparison to taxpayers whose tax liability does not exceed the maximum necessary to reach the $500.00 limit established under the bill. As stated by the court in Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 252, 411 N.W.2d 35, 45 (1987): "The Legislature cannot circumvent an express provision of the Constitution by doing indirectly what it may not do directly." Thus, to the extent that the $500.00 maximum relief provision contained in LB 809, as amended, would result in the imposition of

non-uniform and disproportionate tax burdens in relation to the value of the property of certain taxpayers, it is our opinion that the establishment of such a limitation on the amount of relief provided would violate both the letter and spirit of the principle of uniformity of taxation mandated under Article VIII, Section 1, and would contravene the prohibition against releasing taxpayers from their proportionate share of taxes, in violation of Article VIII, Section 4.

(1) While Article VIII, Section 4, refers to taxes levied for "state purposes" or due any municipal corporation, we have previously interpreted this provision to include taxes levied by counties or other governmental subdivisions of the state to support local government functions, as such entities are solely creatures of the state. Attorney General Opinion No. 32, March 12, 1985.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-200-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA192
PURPOSE: To provide $30,000 general funds in 1989-90 and $15,000 general funds in 1990-91 for school reorganization surveys.
AMENDMENT:
On page 23 in line 2, strike "1,908,648" and insert "1,938,648" and strike "1,940,869" and insert "1,955,869"; in line 6, strike "3,754,847" and insert "3,784,847" and strike "3,909,712" and insert "3,924,712".
On page 35 in line 22, strike "213,920,218" and insert "213,950,218" and strike "219,637,921" and insert "219,652,921".
On page 36 in line 1, strike "301,273,774" and insert "301,303,774" and strike "311,729,514" and insert "311,744,514".

Messrs. Bernard-Stevens and Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1524

1. On page 127, lines 2 and 3, strike "204,674,251 208,828,581" and insert "204,724,251 208,878,581"; in line 14 strike "37,890,788 38,137,600" and insert "37,940,788 38,187,600"; and in line 16 strike "106,678,398 106,706,209" and insert "106,728,398 106,756,209".

2. On page 132, after line 4 insert:

"There is included in the appropriation to this program $50,000 General Funds for FY1989-90 and $50,000 General Funds for FY1990-91 for the University of Nebraska Institute of Agriculture and Natural Resources for an aquaculture specialist position.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1522

1. On page 169, after line 20 insert:

"GENERAL FUND 40,000 -0-";

and in line 22 strike "451,046" and insert "491,046".

2. On page 170, after line 2, insert:

"There is included in the appropriation to this program for FY1989-90 $40,000 General Funds for structural repair and general maintenance of the grandstand at the Wild West Arena."; in line 6 strike "4,908,252" and insert "4,948,252"; and in line 9 strike "18,926,285" and insert "18,966,285".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA193

PURPOSE: To provide $235,000 each year for four new field offices in the Department of Economic Development.

1. On page 165, line 20, strike "459,256" and insert "694,256" and strike "459,903" and insert "694,903"; in line 22 strike "536,256" and insert "771,256" and strike "536,903" and insert "771,903"; in line 24, strike "$305,058" and insert $448,193";

2. On page 166, line 2, strike "$305,058" and insert "$451,681";

3. On page 170, line 6, strike "4,908,252" and insert "5,143,252" and strike "4,854,909" and insert "5,089,909"; in line 9 strike

"18,926,285" and insert "19,161,285" and strike "18,063,189" and insert "18,298,189".

Mr. Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA194
PURPOSE: Provide $5,000 cash funds for the Alzheimer's Disease Task Force.
AMENDMENT:

On page 54 in lines 20 and 21, strike "1,923,352" and insert "1,928,352" and strike "1,696,916" and insert "1,701,916".

On page 55 after line 1, insert "There is included in the appropriation to this program for FY 1989-90 and FY 1990-91 $5,000 cash funds to provide support for the Alzheimer's Disease Task Force, which shall only be used for such purposes."

On page 56 in lines 1 and 2, strike "3,123,776" and insert "3,128,776" and strike "2,872,805" and insert "2,877,805".

Mr. Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1536

1. On page 78, strike line 13 and insert:
"GENERAL FUND 59,411,588 62,502,189";
strike line 16 and insert:
"PROGRAM TOTAL 124,420,589 128,357,757";
in line 20 strike "$56,886,588" and insert "$59,411,588"; and in line 24 strike "$59,977,189" and insert "$62,502,189".

2. On page 82, strike line 3 and insert:
"GENERAL FUND 8,047,843 9,108,545";
and strike line 5 and insert:
"TOTAL 19,658,923 20,532,827".

3. On page 84, after line 12 insert:

"There is included in the appropriation under subdivision (3)(l) of this section $2,400,000 General Funds in FY1989-90 and FY1990-91 to be used by the Department of Social Services to provide for a fee schedule which provides for payments equal to the average prevailing rates charged by nongovernmental child care providers in this state or in areas of the state. Also included is $125,000 General Funds in FY1989-90 and FY1990-91 to hold harmless Title XX

clients who pay a portion of their child care costs.".

4. On page 86, strike line 17 and insert:

"GENERAL FUND 198,828,760 213,344,930";

and strike line 20 and insert:

"AGENCY TOTAL 495,467,228 535,289,585".

Mr. Chambers asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1567

Purpose: To establish an endowed minority student scholarship fund at the University of Nebraska.

1. On page 127, lines 2 and 3, strike "204,674,251" and insert "205,474,251"; and after line 23 insert "Minority Student Scholarship Program $800,000 -0-".

2. On page 131, after line 19 insert

"There is included in the appropriation to this program $800,000 General Funds for FY1989-90 for the Board of Regents of the University of Nebraska to establish an endowed scholarship program for undergraduate students from minority groups which are underrepresented at the University of Nebraska who are residents of Nebraska and citizens of the United States. Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the board shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships.".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA195

PURPOSE: Increase General Fund support for vocational rehabilitation services.

AMENDMENTS:

On page 31, in line 11, strike the first "1,620,129" and insert "1,657,815" an strike the second "1,620,129" and insert "1,695,416"; in line 12, strike each "395,000" and insert "357,314"; in line 13, strike "8,286,915" and insert "8,437,319"; in line 14, strike "10,302,044" and insert "10,527,650".

On page 32, in line 5, strike "180,000" and insert "142,314".

On page 35, in line 22, strike "213,920,218" and insert "213,957,904" and strike "219,637,921" and insert "219,713,208"; in line 23, strike "1,601,299" and insert "1,563,613" and strike "1,564,043" and insert "1,526,357"; in line 24, strike "90,235,573" and insert "90,385,977".

On page 36, in line 1, strike "311,729,514" and insert "311,917,519".

On page 64, in line 24, strike "180,000" and insert "142,314".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1577

1. Insert the following new section:

"Sec. 42. The Board of Regents of the University of Nebraska is hereby authorized to construct a modified open front growing and finishing swine unit at the West Central Research and Extension Center in North Platte. There is hereby appropriated $250,000 from the General Fund for the fiscal year ending June 30, 1990, for such construction.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 42 fourth grade students and sponsor from George Catlin Elementary School, Omaha; 27 eighth grade students and teacher from Catholic Southeast School, Omaha; four students from Marion High School, Omaha; two juniors and teacher from Cook; 39 fourth grade students and sponsor from La Vista; Sharon Walsh, Lori Angel, and Toni Siragusa; 50 seniors and teacher from Ft. Calhoun; 35 students and teacher from Northeast Community College, Norfolk; 13 fourth grade students and teacher from St. Joseph School, Beatrice; and 13 ninth grade students and teacher from Friend.

RECESS

At 12:05 p.m., on a motion by Mr. Hannibal, 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. Ashford, Conway, Haberman, Hall, Hannibal, R. Johnson, Landis, McFarland, Peterson, Schmit, Warner, Withem, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 603. E & R amendments, AM7058, found in the Journal on page 1730 for the Sixty-Sixth Day, were adopted.

Mr. Wesely withdrew his pending amendment, AM1466, found in the Journal on page 1817.

Mr. Wesely withdrew his pending amendment, AM1499, found in the Journal on page 1851.

Mr. Abboud moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Abboud amendment, AM1530, to LB 603.

The Abboud motion to suspend the rules prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Mr. Abboud renewed his pending amendment, AM1530, found in the Journal on page 1882.

The Abboud amendment was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Messrs. Kristensen and Hartnett offered the following amendment: AM1584

1. Insert the following new section:

"Sec. 11. That section 43-1313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1313. When a child ~~has been~~ is in foster care, ~~for a period of one year,~~ the court having jurisdiction over such child for the purposes of foster care placement shall review the dispositional order for such child at least once every six months. The court

may reaffirm the order or direct other disposition of the child. Any review hearing by a court having jurisdiction over such child for the purposes of foster care placement shall be conducted on the record as provided in sections 43-283 and 43-284, and any recommendations of the state board or a local foster care review board concerning such child shall be included in the record. The court shall review a case on the record more often than every six months and at any time following the original placement of the child if the state board requests a hearing in writing specifying the reasons for the review. Members of the state board or its designated representative may attend and be heard at any hearing conducted under this section and may participate through counsel at the hearing with the right to call and cross-examine witnesses and present arguments to the court.". ~~After the initial review the court having jurisdiction over such child for the purposes of foster care placement shall conduct additional reviews or issue orders concerning continuing foster care once every six months. At the additional review, the court may reaffirm the order or may direct other disposition of the child.~~

2. On page 3, strike beginning with "Whenever" in line 5 through the period in line 11 and all amendments thereto and insert "Whenever a juvenile is in a foster care placement as defined in section 43-1301, the state board shall have the authority to participate in proceedings concerning the juvenile as provided in section 43-1313.

(3)".

3. On page 9, strike lines 5 through 8 and all amendments thereto and insert the following new subdivision:

"(6) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313.".

4. On page 11, strike lines 4 through 9 and all amendments thereto and insert the following new subsection:

"(2) When the state board determines that the interests of a child in a foster care placement would be served thereby, the state board may request a review hearing as provided for in section 43-1313.".

5. On page 12, line 5, before "and" insert "43-1313,".

6. Renumber the remaining sections accordingly.

7. In AM0805, on page 5, line 1, strike "(3)" and insert "(4)".

The Kristensen-Hartnett amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 603A. Mr. Hartnett offered the following amendment:
AM1573

1. On page 2, line 15, strike "$93,901" and insert "$153,974"; in line 16 strike "$77,982" and insert "$129,028"; in line 23 strike "$23,936" and insert "$57,248"; and in line 24 strike "$24,520" and insert "$58,644".

The Hartnett amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 429. E & R amendments, AM7061, found in the Journal on page 1819 for the Sixty-Ninth Day, were adopted.

Mr. Abboud withdrew his pending amendment, AM0722, found in the Journal on page 1699.

Mr. Wesely renewed his pending amendment, AM1360, found in the Journal on page 1705.

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Lindsay renewed his pending amendment, FA186, found in the Journal on page 1890.

PRESIDENT NICHOL PRESIDING

SPEAKER BARRETT PRESIDING

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.

Mr. Lindsay moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hall requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 15:

Barrett	Hartnett	Landis	Moore	Schimek
Byars	Johnson, R.	Lindsay	Morrissey	Warner
Chambers	Kristensen	Lynch	Pirsch	Wesely

Voting in the negative, 22:

Abboud	Chizek	Hall	Labedz	Schellpeper
Ashford	Conway	Hefner	Langford	Wehrbein
Baack	Elmer	Johnson, L.	Robak	Weihing
Beck	Goodrich	Korshoj	Rogers	Withem
Beyer	Haberman			

Present and not voting, 11:

Bernard-Stevens	Crosby	Lamb	Nelson	Scofield
	Dierks	McFarland	Peterson	Smith
Coordsen	Hannibal			

Excused and not voting, 1:

Schmit

The Lindsay amendment lost with 15 ayes, 22 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 816A. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-first Legislature, First Session, 1989.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendments to LB 525:
AM1512

1. Strike original sections 1 to 3 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $2,164,152 from the General Fund and $3,296,741 from federal funds for the period July 1, 1989, to June 30, 1990, and (2) $2,164,152 from the General Fund and $3,296,741 from federal funds for the period July 1, 1990, to June 30, 1991, to the Department of Social Services, for Program 348, to provide for rate increases for noninstitutional medical providers.

Sec. 2. There is hereby appropriated (1) $2,649,662 from the General Fund and $4,036,338 from federal funds for the period July 1, 1989, to June 30, 1990, and (2) $2,649,662 from the General Fund and $4,036,338 from federal funds for the period July 1, 1990, to June 30, 1991, to the Department of Social Services, for Program 348, to provide for rate increases for hospitals.

Sec. 3. The State Treasurer is hereby directed to transfer $50,000,000 from the General Fund to the Securities Act Cash Fund on or before July 15, 1989. It is the intent of the Legislature that the amount transferred by this section be invested in United States treasury bills and treasury notes. It is the intent of the Legislature that investments be made with maturities that maximize interest return, with (1) twenty percent of transferred funds to be available as

cash for transfer approximately two years from July 31, 1989, (2) twenty percent available approximately three years from July 31, 1989, (3) twenty percent available approximately four years from July 31, 1989, (4) twenty percent available approximately five years from July 31, 1989, and (5) twenty percent available approximately six years from July 31, 1989. It further is the intent of the Legislature to transfer amounts described in subdivisions (1) through (5) of this section, including accrued interest generated by that amount, in a manner to be determined by future Legislatures.

Sec. 4. There is hereby appropriated $2,375,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $4,320,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Treasurer, for Program 120, for state aid to municipalities.

Sec. 5. There is hereby appropriated $2,256,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $4,105,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Treasurer, for Program 149, for state aid to counties.

Sec. 6. It is the intent of the Legislature that the Board of Regents of the University of Nebraska provide sufficient operating funds to address the funding problems associated with the accreditation of the State Museum at the University of Nebraska-Lincoln.".

2. Renumber remaining section accordingly.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. R. Johnson, Baack, and Coordsen asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1574

1. On page 142, line 4, strike "3,506,748" and insert "4,006,748"; and in line 6 strike "3,516,748" and insert "4,016,748".

2. On page 145, line 15, strike "8,994,028"

and insert "9,494,028"; and in line 18 strike "9,856,528" and insert "10,356,528".

Messrs. Baack and R. Johnson asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1575

1. On page 147, line 18, strike "1,257,502" and insert "17,299,391" and strike "16,106,073" and insert "321,686"; and in line 19 strike "1,257,502" and insert "17,299,391" and strike "16,106,073" and insert "321,686".

2. On page 148, line 3, strike "1,670,626" and insert "17,712,515" and strike "16,524,851" and insert "740,464"; and in line 4 strike "1,670,626" and insert "17,712,515" and strike "16,524,851" and insert "740,464".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89039

DATE: April 24, 1989

SUBJECT: School Districts. Affiliated units.

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter of April 11, 1989, you ask our opinion on the constitutionality of proposed Committee amendments to LB 259. Specifically, sections 23 and 24 of AM #800 and your explanation thereof and court cases which arguably support your explanation.

We have examined your questions and the court cases cited in support of your explanations and are in accord therewith but with two caveats. First, LB 259, as amended, is a new and different approach to tax equity. As a result, it raises difficult questions, such as the questions you have submitted, to which there is limited or no legal precedent. Second, without specific data, it is impossible for us to offer an opinion in connection with the melding of tax requests

which are discussed in your question 3. We quite agree with you that recent cases of the Nebraska Supreme Court have not required an exacting matching of tax burden and benefits in the context of nonresident high school tuition formulas. The ultimate question, of course, is how much variation will the court permit and in particular cases, how much will actually exist? There simply is no ready answer to either of these questions. Therefore, with the understanding that there is limited legal precedent coupled with the lack of specific facts, we approve and concur with the answers you have suggested in response to the questions asked, each of which are hereinafter quoted verbatim:

1. Do you foresee any constitutional problems relating to voting rights and special privilege/class legislation under Article I, section 16 and Article III, section 18 of the Nebraska Constitution. Class I patrons are not given voting representations on the high school board. They will, however, have the right to vote on new bond issues and, through their own boards appoint an advisory committee to represent Class I interests in the high school program. The rationale for the different treatment of the Class I districts as far as representation is concerned is that the Class I's remain a separate and legally independent political subdivision, with the rights of self-government of their elementary schools. The merger or Class VI options are open if full voting privileges are desired. In addition, the Supreme Court, in the recent case of Ewing v. Scottsbluff County Board of Equalization, 227 Neb. 798, 420 N.W.2d (1988), has held that Class I districts have representation with the State Board of Education and the Legislature in the context of the nonresident high school tuition system. There is no representation for Class I's in the receiving district boards in that system.

2. Similarly, do you foresee any U. S. Constitutional difficulties under the Fourteenth Amendments Equal Protection Clause--one person/one vote doctrines as far as the voting privileges of Class I voters.

Cases such as Kramer v. Union Free School District, 395 v.s. 621 (1969) pertain to unequal voting privileges for residents of the same school district. Since voters of Class I's part of an affiliated unit are not legal residents of the high school district, it would not seem that the Kramer doctrine would apply.

3. Do you foresee any constitutional difficulties under the uniformity of taxation clause (Neb. Const., Article VII, Section 1) and the commutation of taxes clause (Neb. Const., Article VIII, section 4).

Arguably, with the melding of the tax requests of the different school districts, non affiliated unit into a common levy, there will be some shifts of tax burdens between taxpayers in such different school districts. However, recent cases of the Nebraska Supreme Court such as Ewing v. Scottsbluff County Board of Equalization, 227 Neb. 798, 420 N.W.2d 685 (1988) and Mann v. Wayne County Board of Equalization, 186 Neb. 134, 186 N.W.2d 729 have not required an exact matching of tax burden and benefit in the context of nonresident high school tuition formulas which establish tax levies applied to Class I property for support of high school education. In addition, section 24 of the bill (am #800) opens up the programs of services of all schools in an affiliated unit to all students residing in the unit. Thus the benefits of the common levy are available to all children in the unit.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-63-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 89040

DATE: April 25, 1989

SUBJECT: May LB 683 be altered to allow Sanitary Improvement Districts to receive funds under the Municipal Infrastructure Redevelopment Fund Act?

REQUESTED BY: Senator Emil E. Beyer, Jr.
Nebraska State Legislature

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

LB 683, the Municipal Infrastructure Redevelopment Fund Act (MIRF), would create a special fund which would make monies available to Nebraska municipalities for the construction of various municipal improvements including water systems, waste treatment and management facilities, airports, municipal buildings and mass

transit and other transportation systems. You are concerned that, by diverting general fund monies to MIRF, Sanitary Improvement Districts (SID's) will be left without funding to improve their facilities. You have therefore posed several questions regarding the propriety of including SID's in the funding provisions of LB 683. Our conclusions are set forth below.

You first ask, ". . . would it be feasible or constitutional to include SIDs under the funding provisions of LB 683?" Obviously, the feasibility of such a course of action is a policy question which must be decided by the Legislature. On the other hand, we see no constitutional problems with including SID's as recipients of monies under the MIRF provisions. Indeed, we have previously indicated that SID's are quasi-municipal corporations which may receive tax money from state funds. See, Opinion of the Attorney General No. 67, April 7, 1981. In the absence of any indication from you as to specific constitutional concerns, we believe it would be constitutionally permissible to include SID's under the funding provisions of LB 683.

Your second question apparently involves the existing Nebraska statutes which provide gas tax revenues to the Highway Allocation Fund and Nebraska municipalities. You question whether those statutes "unfairly discriminate against citizens living in Sanitary Improvement Districts" since those statutes do not provide that SID's will receive portions of the gas tax revenues.

We have indicated on numerous occasions that this office may not offer opinions on the constitutionality of existing statutes. See, Opinion of the Attorney General No. 85157, December 20, 1985. Therefore, we are unable to respond to your question in detail. However, we would note that a statute may discriminate in favor of a certain class if the discrimination is founded upon a reasonable distinction or difference in state policy, or if any state of facts can reasonably be conceived which would sustain the classification. Farm Bureau Life Insurance Company v. Luebbe, 218 Neb. 694, 358 N.W.2d 754 (1984). We cannot say that it is impossible to reasonably conceive a state of facts which would sustain a classification between SID's and other municipalities similar to that created by the current gas tax revenue distribution statutes.

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

Assistant Attorney General

5-101-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 429. Mr. Wesely renewed his pending amendment (1), AM1547, found in the Journal on page 1916.

Mr. Wesely requested a division of the question on his amendment.

The Chair sustained the division of the question.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Wesely amendment is as follows:
FA196

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 5 through "on" in line 8; and in line 8 after "13" insert a comma.
2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "seven hundred fifty thousand dollars".
4. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "nine hundred thousand".

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Barrett	Hall	Landis	McFarland	Schimek
Bernard-Stevens	Hartnett	Lindsay	Moore	Warner
Chambers	Korshoj	Lynch	Pirsch	Wesely

Voting in the negative, 26:

Abboud	Elmer	Johnson, R.	Morrissey	Scofield
Ashford	Goodrich	Kristensen	Peterson	Smith
Baack	Haberman	Labedz	Robak	Wehrbein
Beyer	Hefner	Lamb	Rogers	Weihing
Conway	Johnson, L.	Langford	Schellpeper	Withem
Crosby				

Present and not voting, 5:

Byars	Chizek	Coordsen	Dierks	Nelson

Excused and not voting, 3:

Beck	Hannibal	Schmit

The Wesely amendment lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Robak, Messrs. Withem, Hartnett, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

The second Wesely amendment is as follows:
FA197

3. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert: "The addition of any of the following services:
(a) Neonatal care II and III;
(b) Open heart surgery, cardiac catheterization, or angioplasty, whether adult or pediatric;
(c) Chronic renal dialysis; or
(d) Adult or pediatric transplantations of heart, kidney, combined heart and lung, pancreas, liver, and bone and bone marrow; or
(9)"; in line 20 strike "(7)" and insert "(8)"; and after line 21 insert the following new paragraph:
"Notwithstanding subdivision (8)(b) of this

section, open heart surgery shall not be subject to the provisions of the Nebraska Health Care Certificate of Need Act if a hospital has the capacity to perform cardiac catheterization or angioplasty and such hospital has applied for a certificate of need to perform open heart surgery on or before April 15, 1989.".

The Wesely amendment lost with 5 ayes, 20 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wesely withdrew his pending amendments, AM1548, AM1539, and AM1517, found in the Journal on pages 1917, 1918, and 1919.

Mr. Wesely renewed his pending amendment, AM1513, found in the Journal on page 1919.

Messrs. Chambers, L. Johnson, Chizek, Mmes. Labedz, and Beck asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Korshoj	McFarland	Nelson	Warner
Ashford	Landis	Moore	Schimek	Wehrbein
Hannibal	Lindsay	Morrissey	Smith	Wesely
Johnson, R.	Lynch			

Voting in the negative, 20:

Baack	Byars	Goodrich	Lamb	Rogers
Barrett	Conway	Hall	Langford	Schellpeper
Bernard-Stevens	Coordsen	Hefner	Peterson	Scofield
Beyer	Elmer	Kristensen	Robak	Weihing

Present and not voting, 2:

Crosby Dierks

Absent and not voting, 1:

Pirsch

Excused and not voting, 9:

Beck	Chizek	Hartnett	Labedz	Withem
Chambers	Haberman	Johnson, L.	Schmit	

The Wesely amendment lost with 17 ayes, 20 nays, 2 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Wesely withdrew his pending amendments, AM1309 and AM1538, found in the Journal on pages 1924 and 1925.

Mr. Wesely offered the following amendment:
AM1597

1. In the Baack et al amendment, AM 1215, on page 1, strike beginning with "lines" in line 5 through "on" in line 8; and in line 8 after "13" insert a comma.

2. On page 14, lines 10 and 11, strike "the capital expenditure minimum" and insert "the base amount of seven hundred fifty thousand dollars, together with any adjustment made by the department".

3. On page 23, line 25; and page 24, lines 7 and 13, strike "one million" and insert "nine hundred thousand".

The Wesely amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Messrs. Peterson and Moore asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 7 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1504

1. On page 168, line 25, strike "275,606" and insert "225,606".

2. On page 169, line 2 strike "1,614,245" and insert "1,564,245"; and strike lines 8 through 11.

3. On page 170, line 6, strike "4,908,252" and insert "4,858,252"; and in line 9 strike "18,926,285" and insert "18,876,285".

Mr. Warner asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM1581

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1303. In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all counties in which there are ~~situated~~ school lands which have not been sold and transferred by deed or saline lands owned by the state an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained as follows: The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district, ~~and~~ the nonresident high school tuition levy of the county ~~wherein~~ in which such school land or saline land is located, and the last appraised value of such school land ~~which value shall be one hundred forty-three percent of the appraised value~~ for the purpose of applying the applicable tax levy for each school district in determining the distribution to the counties of such amounts. The board of any school district, ~~wherein~~ in which there is located any leased

or undeeded school land or saline land subject to ~~the provisions of~~ this section, may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement.

Sec. 2. That original section 79-1303, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Warner asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM1580

1. Insert the following new section:

"Sec. 5. That section 79-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1303. In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all counties in which there are ~~situated~~ school lands which have not been sold and transferred by deed or saline lands owned by the state an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained as follows: The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district, ~~and~~ the nonresident high school tuition levy of the county ~~wherein~~ in which such school land or saline land is located, and the last appraised value of such school land ~~which value shall be one hundred forty-three percent of the appraised value~~ for the purpose of applying the applicable tax levy for each school district in determining the distribution to the counties of such amounts. The board of any school district, ~~wherein~~ in which there is located any leased or undeeded school land or saline land subject to ~~the provisions of~~ this section, may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not

appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement.".

2. In the Standing Committee amendments, AM0780, on page 1, line 3, strike "section 72-240.26" and insert "sections 72-240.26 and 79-1303"; and in line 4 strike "is" and insert "are".

3. Renumber remaining section accordingly.

VISITORS

Visitors to the Chamber were 48 fourth grade students and teacher from Geneva; 40 fourth grade students, teachers, and parents from Florence Elementary School, Omaha; and 32 members of Maplewood Methodist Church, Omaha.

ADJOURNMENT

At 4:29 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Thursday, April 27, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - APRIL 27, 1989

LEGISLATIVE JOURNAL

SEVENTY-FOURTH DAY - APRIL 27, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 27, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Rusty Miller, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Langford, Pirsch, and Mr. Peterson who were excused; and Messrs. Abboud, Byars, Chambers, Conway, Haberman, Hall, R. Johnson, Kristensen, Landis, Lindsay, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM1549

(Amendments to Final Reading copy)

1. On page 9, line 7, strike "9" and insert "10"; and in line 25 after "facilities" insert "and that it is in the public interest to allocate the funds among the municipalities so that the smaller the per capita income of the municipality is compared to the per capita income in all municipalities, the more funds that municipality will receive compared to other municipalities".

2. On page 10, strike beginning with "derived" in line 22 through line 25 and insert "determined as provided in section 5 of this act;".

3. On page 11, strike line 1.

4. Insert the following new section:

"Sec. 5. (1) The municipal allocation amount shall be determined for a given municipality as follows:

(a) Divide the municipality's per capita income by the total municipal per capita income to get the municipality's index;

(b) Subtract the municipality's index from one and multiply the resulting amount by the municipality's population percentage;

(c) Add the amount obtained pursuant to subdivision (b) of this subsection to the municipality's population percentage; and

(d) Multiply the amount obtained pursuant to subdivision (c) of this section by the amount of money to be allocated to obtain the municipal allocation amount.

(2) For purposes of this section:

(a) Money income and per capita income shall mean the amounts calculated by the Department of Commerce, Bureau of the Census, as income estimates for counties and incorporated places;

(b) Municipality's population percentage shall mean the percentage determined by dividing the total population of a given municipality by the total population of the state living in municipalities;

(c) Population shall mean the population determined by the most recent federal decennial census; and

(d) Total municipal per capita income shall

mean the amount derived by dividing the total money income of all municipalities in the state by the total population of the state living in municipalities.".

5. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 301. Placed on Select File.
LEGISLATIVE BILL 302. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1934: Floyd P. Vrtiska - Environmental Control Council.

Voting in the affirmative, 25:

Ashford	Coordsen	Hefner	Morrissey	Smith
Barrett	Crosby	Johnson, L.	Robak	Warner
Bernard-Stevens	Dierks	Korshoj	Rogers	Wehrbein
Beyer	Elmer	Lamb	Schellpeper	Wesely
Chizek	Hannibal	Moore	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 8:

Baack	Goodrich	Lynch	Scofield	Weihing
Beck	Hartnett	Nelson		

Excused and not voting, 16:

Abboud	Haberman	Kristensen	Langford	Peterson
Byars	Hall	Labedz	Lindsay	Pirsch
Chambers	Johnson, R.	Landis	McFarland	Schmit
Conway				

This appointment was confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 813. Considered.

The Appropriations Committee renewed their pending amendment, FA195, found in the Journal on page 1945.

The Appropriations Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Messrs. Rogers, Dierks, and Coordsen renewed their pending amendment, AM1495, found in the Journal on page 1853.

The Rogers-Dierks-Coordsen amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1560, found in the Journal on page 1914.

Mr. Warner offered the following amendment to the pending Schmit amendment:
FA198

On page 1, after line 5, insert the following:

"Expenditures from this program shall not exceed that portion of the Compact expenses allocated to the State of Nebraska."

Messrs. Wehrbein, R. Johnson, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 340A in the Journal. No objections. So ordered.

AM1543

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 4, after "1989" insert "; and to declare an emergency".

3. On page 2, after line 6, insert:

"The unexpended balance available on June 30, 1989, is hereby reappropriated.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 303. Placed on Select File.

LEGISLATIVE BILL 303A. Placed on Select File as amended.
E & R amendment to LB 303A:
AM7066

1. In the Standing Committee amendment, AM1263, on page 45, line 19, strike "277,702" and insert "277,703".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendment to LB 514:
AM0728

1. On page 3, line 10, strike the new matter and insert "(10) death and dying, and (11) awareness of the nature, causes, and prevention of mental retardation and other developmental disabilities.".

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Monday, May 15, 1989 1:15 p.m.
Phyllis Anstine - Crime Victims Reparations Committee

(Signed) Dennis Baack, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 88. Introduced by Schimek, 27th District.

PURPOSE: The Legislature should determine whether legislation is needed to regulate the fundraising activities of private companies. A study of this issue is needed to ensure the integrity of fundraising organizations and because:

(1) The number of charitable organizations is growing and the competition for the donation dollar is increasing;

(2) Business enterprises exist which contract to conduct professional fundraising solicitation by conducting telephone campaigns;

(3) Up to eighty percent of donations may go to the contractor and not to the charity to which the money was pledged thus misleading the donor;

(4) People who donate to a charity should know how much of their donation will actually go to the charity; and

(5) There is a need to protect the donor and legitimate charities from being taken advantage of by professional fundraising companies.

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

1. That 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 89. Introduced by Hartnett, 45th District; Schmit, 23rd District.

PURPOSE: Despite the fact that legislative activity in 1988-89 has evidenced a high level of concern with solid waste management and

disposal, little attention has been paid to the potential of new technologies that provide feasible and economical options for eliminating municipal solid waste by converting it into a usable source of electric energy.

This legislative session saw the introduction of LB 788, the purpose of which was to provide a framework for municipality and public power district cooperation in creating an efficient and cost-effective waste-to-energy facility. The bill resulted from a joint state and local study on the possibility of establishing a waste-to-energy facility in Bellevue. The study pointed out the need for some sort of long-term agreement between the municipality and the power district on the price to be paid for the electricity generated by burning of the waste.

At the public hearing on LB 788, testimony from around the state pointed out the need to refine the provisions of the bill to avoid problems and potential higher future costs to the public power industry in this state.

The function of this study would be to review the existing form of LB 788 and, with the cooperation of the public power industry, determine how best to amend it to allay its concerns for the future. An attempt will be made to determine whether this technology can indeed provide some feasible solutions for Nebraska's municipal solid waste disposal problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 90. Introduced by Hartnett, 45th District; Withem, 14th District.

PURPOSE: In Nebraska the offering of service contracts is regulated as a form of insurance by the Department of Insurance under the provisions of sections 44-3501 et seq. Service contracts generally are maintenance agreements or warranties whereby a company, for a fee, will undertake in the future to repair or reimburse for repairs the owner of a residential dwelling or of a consumer product. LB 312 enacting these provisions was adopted in 1979 and has not been

substantively amended or reviewed since then. The introduction in 1989 of LB 776 which would amend existing statutes to provide an exemption from regulation for service contracts offered by regulated gas utilities has led to some questions about the efficacy of existing statutes to protect the consumer and to regulate the service contract and repair industry.

The growth and evolution of the general economy since the adoption of LB 312 in 1979, changes in industry practice, the effectiveness of the current regulatory scheme, the concern to provide positive and genuine consumer protection, and the need to insure that all service providers, whether large or small, can operate on a level of fair and equal competition make it incumbent upon the Legislature to review existing statutes regulating service contracts and determine what changes, if any, need to be made with the goal of introducing appropriate legislation in the next session to reform or redraft such statutes.

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

1. That the Banking, Commerce, and Insurance Committee of the Legislature be designated to conduct an interim study and hold any necessary public hearings to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 91. Introduced by Hartnett, 45th District; Hall, 7th District.

PURPOSE: LR 19CA was introduced to provide for changes in the Nebraska Constitution with regard to the manner in which the property taxation system in the state is administered. It would eliminate the current State Board of Equalization and Assessment, which includes the Tax Commissioner, the Governor, the Secretary of State, the Auditor of Public Accounts, and the State Treasurer and would create the Property Tax Equalization Commission to equalize assessments between the counties, hear appeals from local boards of equalization, and assume such other responsibilities as the Legislature might give it. The intent was to eliminate the political aspects of the current state equalization process in favor of a more professional board with enhanced authority and resources while retaining local control of the initial stages of the process. LB 794 was introduced to

show how such a board might be constituted and what authority it might possess under a constitutional provision envisioned by LR 19CA.

While there was substantial support for the measures at the public hearing, it was felt that the issues involved were of sufficient complexity and importance to justify devoting attention to a study of the issue during the interim.

Such a study would involve the Revenue Committee of the Legislature, the Department of Revenue, and interested local officials in a review and discussion of the issues involved and an investigation of the manner in which other states have dealt with similar problems. LB 794 was modelled after Missouri state statutes.

Although LB 653, which is currently working its way through the legislative process, addresses the need for a study similar to this one, it contemplates the investigation of a much broader range of issues. Also, because of the need for a constitutional amendment to permit significant reform on the state level, it is important to address some of the issues involved prior to the next legislative session which would be the last opportunity to permit voter action on a constitutional amendment until 1992.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the communication received from the University of Nebraska Board of Regents.

Appropriations

Communication from the University of Nebraska Board of Regents concerning the anticipated issuance of notes and/or revenue bonds.

(Signed) Bernice Labedz, Chairperson
Legislative Council

Executive Board

GENERAL FILE

LEGISLATIVE BILL 813. The pending Schmit amendment, AM1560, as amended, was renewed.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

SPEAKER BARRETT PRESIDING

The Schmit amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Messrs. Hall, Chizek, Schmit, Withem, Chambers, McFarland, and Mrs. Labedz renewed their pending amendment, AM1515, found in the Journal on page 1914.

Mr. Schmit 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 15 ayes, 1 nay, and 33 not voting.

Mr. Hall requested a roll call vote on the Hall et al. amendment.

Voting in the affirmative, 31:

Abboud	Conway	Hall	Lindsay	Schellpeper
Barrett	Coordsen	Hartnett	Lynch	Schmit
Bernard-Stevens	Crosby	Korshoj	McFarland	Smith
	Dierks	Labedz	Morrissey	Weihing
Byars	Elmer	Lamb	Nelson	Wesely
Chambers	Goodrich	Landis	Robak	Withem
Chizek	Haberman			

Voting in the negative, 12:

Ashford	Beck	Beyer	Hannibal	Hefner

Johnson, L.	Rogers	Scofield	Warner	Wehrbein
Moore	Schimek			

Excused and not voting, 6:

Baack	Kristensen	Langford	Peterson	Pirsch
Johnson, R.				

The Hall et al. amendment was adopted with 31 ayes, 12 nays, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Chizek, Haberman, Schmit, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGES FROM THE GOVERNOR

April 21, 1989

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 Agricultural Land Valuation Advisory Board, requiring legislative confirmation.

> Appointee: Doralene E. Weed, 2805 Avenue F, Kearney, NE 68847, (308) 234-3077.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 16, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee: JoAnne Rohr, 515 N. Bellevue Blvd., Bellevue, NE 68005, (402) 733-3675.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 3, 1989

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 Boiler Safety Code Advisory Board, requiring legislative confirmation.

Appointee: Neil E. Avery, 142 Elm Ave., Elmcreek, NE 68836, (308) 234-8584.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 7, 1989

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: Gale L. Wickersham, 10502 S. 147 Street, Omaha, NE 68138, (402) 895-5555.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 26, 1989. 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	Multistate Associates on behalf of Rubber Mfg. Assn.
Cavanaugh, James P. - Omaha	O'Hara & Associates, Inc.
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Nebraskans For Better Roads
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Sarpy County

Ryan, James E.
James E. Ryan, P.C. - Lincoln Kimberly-Clark

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Wesely renewed his pending amendment, AM1536, found in the Journal on page 1944.

Messrs. Hannibal and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

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

Suspend Rule 6, Section 7(b), to permit the consideration of LB 591Ae on Final Reading on May 2, 1989.

Mr. Moore asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA199

On page 120, in line 14, strike "15,273,654" and insert "14,650,269", and strike "15,463,440" and insert "14,160,565"; in line 15, strike "8,835,245" and insert "9,548,234", and strike "9,251,155" and insert "10,741,302"; in line 18, strike "32,428,480" and insert "32,518,084", and strike "33,125,003" and insert "33,312,275".

On page 121, in line 1, strike "1,045,388" and insert "1,134,992", and in line 2, strike "1,097,657" and insert "1,284,929".

PURPOSE: To assume tuition rate increases at Kearney State College such that by FY 1990-91, tuition rates at Kearney State College will be equivalent to assumed tuition rates at the University of Nebraska at Omaha.

VISITORS

Visitors to the Chamber were Akihiro Fujita from Tokyo, Japan; 39 fourth grade students and teachers from Rockbrook Elementary School, Omaha; 13 fifth and sixth grade students and sponsor from Beaver Valley Elementary School; ten fourth grade students and teacher from Omaha Christian Academy; 27 fourth grade students

and teacher from Starr Elementary School, Grand Island; 16 members of Bellevue Senior Citizens Group; 28 fourth grade students and teachers from Southern Elementary School, Blue Springs; 16 students and sponsor from Beatrice State Developmental Center; 40 fifth grade students and teachers from Lost Creek Elementary School, Columbus; 55 sixth grade students and teacher from Superior; 31 seventh and eighth grade students and teachers from Stanton County; 7 junior high students and teacher from St. Michael's and Fairbury Community Christian Schools; and 11 seventh and eighth grade students and teacher from Funk.

RECESS

At 12:09 p.m., on a motion by Mr. Wesely, 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. Baack, Peterson, Mmes. Langford, and Pirsch who were excused; and Messrs. Abboud, Ashford, Chizek, Haberman, Hannibal, R. Johnson, Landis, Lynch, McFarland, Warner, Mmes. Nelson, and Robak who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 84, 84A, 182, 325, 586A, 611A, 683, 683A, 811, and 812.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 84A

The following changes, required to be reported for publication in the Journal, have been made:
ER6177

1. In order to give effect to the Lamb amendment, AM1563, which was drafted as an amendment to the withdrawn Lamb amendment, AM1435, the Lamb amendment, AM1435, found on page 1821 of the Journal has been incorporated.

2. On page 1, line 4, "; and to declare an emergency" has been inserted after "1989".

Enrollment and Review Change to LB 182

The following changes, required to be reported for publication in the Journal, have been made:
ER6175

1. On page 1, line 1, "43-245," has been inserted after "sections"; and in line 10 "to define a term;" has been inserted after the semicolon.

2. On page 5, line 15, "department's" has been struck and "of the Department of Social Services" inserted after the first "plan".

3. On page 6, line 1, "(1)" has been struck and "department" has been struck and "Department of Social Services" inserted.

4. On page 12, line 15, "subdivision (3) of" has been inserted after "under".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 588. Mr. Chambers asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 807. Title read. Considered.

Standing Committee amendments, AM0780, found in the Journal on page 1093 for the Forty-Fourth Day, were considered.

Mr. Schmit moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Chair declared the call raised.

The Standing Committee amendments were adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mr. Warner renewed his pending amendment, AM1581, found in the Journal on page 1961.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Warner withdrew his pending amendment, AM1581.

Mr. Warner withdrew his pending amendment, AM1580, found in the Journal on page 1962.

Mr. Hall moved to bracket LB 807 until January 3, 1990.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

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 Hall motion to bracket prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Appropriations

The Appropriations Committee will hold a public hearing on Tuesday, May 9, 1989, at 12:00 noon in Room 1003 of the State Capitol.
As required by LR 69 adopted March 26, 1987, and Section 85-404, the Board of Regents of the University of Nebraska is requesting approval of financing plans for Phase III of the Campus Recreation/Athletic Facility at the University of Nebraska-Lincoln.

(Signed) Jerome Warner, Chairperson

Health and Human Services

Governor Appointments Wednesday, May 17, 1989 1:00 p.m.
Board of Health
David L. Timperley, D.C.
Patricia A. McQuillan

Edward J. Schlachter

Rural Health Manpower Commission
Robert D. Harry, M.D.

Nebraska Child Abuse Prevention Fund Board
Kathy Campbell
Nancy A. Nielsen

Advisory Committee to the Departments of Social Services, Public Institutions and Corrections
Shirley J. Howell
Linda Perlman

(Signed) Don Wesely, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 89041

DATE: April 26, 1989

SUBJECT: Do federal statutes dealing with archaeological resources preempt §9 of LB 340 which requires the return of certain human skeletal remains and burial goods of American Indian origin?

REQUESTED BY: Senator John Weihing
Nebraska State Legislature

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

Section 9 of LB 340 provides for the return of human skeletal remains or burial goods of American Indian origin by entities in Nebraska receiving state funding or state recognition. You have requested our opinion as to whether this section is preempted by 16 U.S.C. §470jj, a portion of the federal statutes dealing with the protection of archaeological resources. Specifically, you ask if the State Historical Society is a private corporation/entity within the federal statute. As discussed below, we do not believe that the federal statute at issue preempts §9 of LB 340. In essence, the two statutes deal with different matters.

Under the Supremacy Clause of the United States Constitution, federal laws are the supreme laws of the land. ATS Mobile Telephone, Inc. v. Curtin Call Communications, Inc., 194 Neb. 405, 232 N.W.2d 248 (1975). A state statute is void under that Supremacy Clause if federal statutes have either explicitly or implicitly precluded state legislation in the same field. Cox Cable Communications, Inc. v. Simpson, 569 F.Supp. 507 (D.Nebr. 1983). However, for the preemption doctrine to apply, the state and federal statutes in question must regulate the same area. In other words, if the subject matter of a federal statute is different than that of a particular state statute, no preemption can occur.

16 U.S.C. §470jj is part of a group of federal statutes dealing with the protection of archaeological resources on federal and Indian lands. Section 470jj provides that the United States Secretary of the Interior shall take such action as is necessary to improve cooperation and the exchange of information among "private individuals having collections of archaeological resources" and federal authorities, professional archaeologists and associations of professional archaeologists. Section 470jj provides further that the Secretary of the Interior shall make efforts to expand the archaeological data base for the archaeological resources of the United States through such increased cooperation among private individuals, professional archaeologists and archaeological organizations.

It seems to us that §470jj and §9 of LB 340 deal with entirely different matters. Section 9 deals with the disposition accorded human skeletal remains and burial goods of American Indian origin. Section 470jj, on the other hand, does not deal in any way with the disposition of such materials. It merely provides that the Secretary of the Interior shall improve cooperation and communication between private individuals and archaeologists, and that the Secretary of the Interior shall attempt to expand the archaeological data base through such cooperation and communication. As a result, we fail to see how §470jj would impact in any way on §9 of LB 340. Consequently, we do not believe that §9 is preempted by the federal statute. This is true regardless of whether the State Historical Society is considered a private corporation or entity. We thus do not need to reach that question in the context of your opinion request.

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

Assistant Attorney General

5-102-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

AM1585

1. On page 9, line 7, strike "including interest,"; in line 24 strike "$40,000,000" and insert "$16,900,000"; and in line 25 after the last comma insert "and $16,900,000 from the General Fund for the period July 1, 1990, to June 30, 1991,".

Messrs. Withem, Beyer, and Hartnett asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

AM1588

(Amendments to the Final Reading copy)

1. On page 137, line 6, after "Nebraska" insert ", except that two or more counties may, with the permission of the director, jointly conduct the examinations for such licenses".

Messrs. Hall and Withem asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA200

Amend LB 813, page 113, after line 21 insert:

This appropriation shall be made a part of Program 299 - Student Incentive Grants - if the Scholarship Assistance Program of LB 468 is not established by law.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Business and Labor

JoAnne Rohr - Boiler Safety Code Advisory Board
Neil E. Avery - Boiler Safety Code Advisory Board

Revenue
Doralene E. Weed - Nebraska Agricultural Land Valuation Advisory Board

Transportation
Gale L. Wickersham - Motor Vehicle Industry Licensing Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORT
Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment to the Boiler Safety Code Advisory Board be confirmed by the Legislature and suggests a record vote.

Gerald Stolze

Vote: Aye: Senators Hefner, Korshoj, Lindsay, Morrissey, and Pirsch
Absent: Senators Coordsen and Chambers

(Signed) George Coordsen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 817. Introduced by Speaker Barrett, 39th District, at the request of the Governor; Conway, 17th District; Wehrbein, 2nd District.

A BILL FOR AN ACT to establish certain parts of the boundary between South Dakota and Nebraska.

GENERAL FILE

LEGISLATIVE BILL 769. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending motion, found in the Journal on page 1911, to reconsider the vote on the Lynch amendment, AM1469, taken 4-24-89.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Weihing and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 17:

Ashford	Elmer	Landis	Nelson	Warner
Bernard-Stevens	Hannibal	Lynch	Schimek	Wesely
Chambers	Johnson, R.	Moore	Scofield	Withem
	Korshoj	Morrissey		

Voting in the negative, 22:

Abboud	Chizek	Goodrich	Kristensen	Robak
Barrett	Conway	Hall	Labedz	Rogers
Beck	Coordsen	Hartnett	Lamb	Schmit
Beyer	Crosby	Johnson, L.	Lindsay	Wehrbein
Byars	Dierks			

Present and not voting, 1:

Smith

Absent and not voting, 1:

McFarland

Excused and not voting, 8:

Baack	Hefner	Peterson	Schellpeper	Weihing
Haberman	Langford	Pirsch		

The Chambers motion to reconsider lost with 17 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 817.

LB	Committee
817	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 817 Friday, May 5, 1989 1:00 p.m.

(Signed) David Bernard-Stevens,
Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1578

1. On page 94, after line 9 insert the following new subsection:

"(5) Program No. 565 - Title III Emergency Planning and Training

	FY1989-90	FY1990-91
GENERAL FUND	217,325	217,325
PROGRAM TOTAL	217,325	217,325

Total expenditures for permanent and temporary salaries and per diems shall not exceed $217,325 for FY1989-90. Total expenditures for permanent and temporary salaries and per diems shall not exceed $217,325 for FY1990-91.

Funds appropriated to this program may be used for state aid if such expenditures are necessary to fulfill the Title III requirements of the Superfund Amendments and Reauthorization Act of 1986."; in line 13 strike "3,356,125" and insert "3,573,450" and strike "3,388,570" and insert "3,605,895"; and in line 16 strike "6,581,847" and insert "6,799,172" and strike "6,623,134" and insert "6,840,459".

Mmes. Smith, Beck, Nelson, Crosby, Robak, Labedz, Messrs. Withem, Korshoj, Haberman, Goodrich, McFarland, Weihing, Conway, R. Johnson, Bernard-Stevens, Lynch, Byars, Abboud, Morrissey, Chambers, Coordsen, Schellpeper, Dierks, Wesely, Hartnett, Hall, and Chizek asked unanimous consent to print the following amendment to LB 743 in the Journal. No objections. So ordered.

FA201

(Amendments to Standing Committee amendments, AM1492)

On page 1, line 4, strike "$144,614" and insert "$400,000"; and in line 7 strike "$297,211" and insert "$424,000".

Mr. Wesely asked unanimous consent to print the following amendment to LB 727 in the Journal. No objections. So ordered.

AM1607

1. On page 8, line 10, after "(2)" insert "The State Energy Office shall prepare a report for the Legislature by November 1, 1989, to assess (a) the current energy efficiency status of Nebraska public schools, (b) the cost-effective opportunities for further public school weatherization, and (c) the adequacy of current funds to accomplish weatherization

opportunities identified in the report.

(3)"; and in line 15 strike "(3)", show as stricken, and insert "(4)".

Messrs. Wesely, Morrissey, Coordsen, and Mrs. Smith asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1605

Purpose: To provide additional child welfare employees.

1. On page 77, line 5, strike "29,092,977" and insert "29,421,652" and strike "29,767,737" and insert "30,846,603"; in line 7 strike "40,488,590" and insert "40,570,758" and strike "43,379,391" and insert "43,649,107"; in line 8 strike "69,767,067" and insert "70,177,910" and strike "73,332,628" and insert "74,681,210"; in line 10 strike "$39,372,798" and insert "$39,699,632"; and in line 13 strike "$39,383,368" and insert "$40,359,642".

2. On page 86, line 17, strike "196,303,760" and insert "196,632,435" and strike "210,819,930" and insert "211,898,796"; in line 19 strike "296,162,968" and insert "296,245,136" and strike "321,469,155" and insert "321,738,871"; and in line 20 strike "492,942,228" and insert "493,353,071" and strike "532,764,585" and insert "534,113,167".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 603. No objections. So ordered.

VISITORS

Visitors to the Chamber were 38 fourth grade students and teacher from Thurston Elementary School; 44 fourth grade students and teacher from Lincoln Elementary, York; 14 international members and sponsor of Back to the Bible; Phil and Karen Zacker from Papillion and Bill and Flo Bonfield from Haver Hills, Suffolk, England; students and teachers from North Platte; 12 students and teacher from Diller; and 27 third and fourth grade students and teacher from Staplehurst and Ulysses.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Tuesday, May 2, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 2, 1989

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY - MAY 2, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 1989

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Jerry Bauman, Bethel Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Chizek, and Schmit who were excused; and Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, Hartnett, R. Johnson, Landis, Lindsay, McFarland, Moore, Peterson, Schellpeper, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 603 and 603A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 603

The following changes, required to be reported for publication in the Journal, have been made:
ER6178

1. In the Kristensen-Hartnett amendment, AM1584:

a. On page 1, line 15, "foster" has been struck; and in line 16 "care review" has been struck; and

b. On page 2, line 16, "state board" has been struck and "State Foster Care Review Board" inserted.

2. In the Standing Committee amendments, AM0805, on page 3, line 12, the comma has been struck and shown as stricken.

3. On page 1, line 3, "and" has been struck and "43-1313," inserted and "and 71-605.04," has been inserted after the comma; in line 4 "provide for standing for" has been struck and "authorize" inserted; in line 5 "to participate" has been inserted after "Board"; in line 7 "and change" has been inserted after "provide"; and in line 8 "to provide for notification of the Nebraska Sudden Infant Death Syndrome Foundation of certain deaths;" has been inserted after the semicolon.

4. On page 3, line 13, "foster care review" has been inserted after "local".

5. On page 4, line 17, "and" has been struck and an underscored comma inserted; and in line 19 an underscored comma has been inserted after "parties".

6. On page 8, line 1, paragraphing has been inserted before "The".

7. On page 9, line 1, "; and

(6) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313" has been inserted after "public" and paragraphing has been inserted before "The"; in lines 4 through 8 the new matter and all amendments thereto have been struck; and in line 9 the paragraphing has been eliminated.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 89042

DATE: April 27, 1989

SUBJECT: Constitutionality of LB 84, as Amended - Property Tax Relief Act

REQUESTED BY: Senator James D. McFarland
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of LB 84, the "Property Tax Relief Act". Generally, LB 84, as modified by the E and R Amendments, proposes to provide property tax relief to homeowners by enacting a homestead exemption, exempting from taxation for tax years 1989 and 1990 the first $6,800 of the actual value of a homestead, as defined pursuant to Neb.Rev.Stat. §77-3502 (Cum. Supp. 1988). Section 4 of the bill provides for a rebate of ten percent of "property taxes paid" by a taxpayer, up to a maximum amount of $2,000 per taxpayer. "Property taxes paid", in turn, is defined in subsection (3) of Section 3 as "all real estate property taxes, exclusive of special assessments, delinquent taxes and interest, and charges for services, levied on an owner of real estate property in this state in 1989 or 1990 and actually paid by the owner." Taxes on real property qualifying as a homestead are excluded from the definition of "property taxes paid". The bill also defines "real estate property" in subsection (4) of Section 3 to exclude tangible personal property other than that described in Neb.Rev.Stat. §§77-103 and 77-1209 to 77-1209.05 (Reissue 1986 and Cum. Supp. 1988). Your specific question is whether the limitation on the amount of property tax which may be returned under the ten percent rebate provision of Section 4 of the bill to a maximum of $2,000 per taxpayer is constitutional.

In Attorney General Opinion No. 89038, issued on April 26, 1989, we addressed a virtually identical question with regard to the constitutionality of the $500 limit on the amount of property tax relief available to any taxpayer under the provisions of LB 809, as amended. In this opinion, we discussed at length the purpose and rationale behind the principle of uniform and proportionate taxation contained in Article VIII, Section 1, of the Nebraska Constitution, as well as the prohibition against legislative action releasing or discharging taxpayers from their proportionate share of taxes contained in Article VIII, Section 4, of our Constitution. Noting that the purpose of these constitutional provisions is, in essence, to "inhibit the imposition of non-uniform and disproportionate tax burdens on property owners", we concluded that the $500 maximum

relief provision in LB 809, as amended, would result in the imposition of non-uniform and disproportionate tax burdens in relation to the value of the property of certain taxpayers, in violation of the requirements of Article VIII, Sections 1 and 4.

Apart from consideration of the special provision for homestead property and the exclusion of taxed personal property, it is apparent the effect of the ten percent rebate up to a maximum of $2,000 for real property taxes paid by taxpayers under LB 84 would be to create the same type of non-uniform and disproportionate tax treatment which we determined to be unconstitutional in our consideration of the $500 maximum property tax relief limit contained in LB 809. Given the larger maximum dollar limit of relief contained in LB 84 ($2,000), the existence of disparate tax burdens on property owners qualifying for the ten percent relief provided would not occur until a taxpayer's liability exceeded $20,000. The imposition of a $2,000 limit on the relief provided would effectively result in the imposition of non-uniform and disproportionate taxation in relation to the value of properties after the point at which a taxpayer's liability exceeded the amount necessary to reach the $2,000 maximum amount of relief. In particular, a business with property valued at $1 million would, at the average state tax rate of 2.6 percent, receive in effect a 7.7 percent reduction in tax liability under the $2,000 limit presently contained in LB 84. Furthermore, a business with property valued at $100 million would, under a tax rate of 2.6 percent, receive in effect a reduction of only .07 percent of its property tax liability.

Upon examination of the foregoing, it is evident that the effect of the $2,000 limit on the amount of relief for property taxpayers eligible for the ten percent rebate portion of LB 84 is to create non-uniform and disproportionate tax burdens among taxpayers to the extent that certain large taxpayers will effectively be compelled to pay taxes at a higher rate in proportion to the value of their property in comparison to taxpayers whose tax liability does not exceed the maximum necessary to reach the $2,000 limit established under the bill. As noted in our previous opinion concerning the constitutionality of the limitation on relief contained in LB 809, our state supreme court has stated: "The Legislature cannot circumvent an express provision of the Constitution by doing indirectly what it may not do directly." Banner County v. State Board of Equalization and Assessment, 226 Neb. 236, 252, 411 N.W.2d 35, 45 (1987). As the $2,000 maximum relief provision in LB 84 would necessarily result in the imposition of non-uniform and disproportionate tax burdens in relation of the value of the property of certain taxpayers, it is our opinion that this limitation on the amount of relief provided would violate the principle of uniformity of taxation in Article VIII, Section 1, and

would contravene the prohibition against releasing taxpayers from their proportionate share of taxes, in violation of Article VIII, Section 4.

In addition, although you have not specifically addressed any further question to us concerning other provisions of LB 84, we would be remiss in our duty if we failed to discuss certain concerns we have as to the constitutionality of other portions of the bill. Section 9 of the bill, as amended, provides for relief in the form of an exemption on the first $6,800 of the actual value of property occupied as a homestead, as defined by Neb.Rev. Stat. §77-3502 (Cum. Supp. 1988). The establishment of a homestead exemption of this nature is clearly authorized by Article VIII, Section 2, of the Nebraska Constitution, which provides, in pertinent part: "The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation." Indeed, prior to 1983, the Legislature did provide a general homestead exemption based on the exemption of a percentage of the value of homestead property in the state. Neb.Rev.Stat. §77-3506 (Cum. Supp. 1980) (repealed, Laws 1983, LB 396).

Clearly, there is no reason why the Legislature may not enact a statute providing for the exemption of a portion of the value of any property actually occupied as a homestead, consistent with the terms of Article VIII, Section 2, of the Constitution. Thus, the provision of an exemption of the first $6,800 of the value of homestead property contained in LB 84, in and of itself, does not raise any constitutional concern. The establishment of a homestead exemption of this nature should not raise any question of unreasonable classification, as the Constitution specifically creates the class of owners of homesteads by virtue of the specific provision of Article VIII, Section 2, previously cited. See, Attorney General Opinion No. 188, February 6, 1984.

Our concern as to the constitutionality of the $6,800 homestead exemption contained in LB 84 is based on the impact of such an exemption on the tax burden of certain owners of homestead property in comparison to the effective tax burden placed on other real property owners eligible to receive the benefit of the ten percent rebate provision contained in Section 4 of the bill. Under LB 84, as currently amended, the owner of a homestead valued at over $68,000 would, assuming a tax levy at the level of the state average of 2.6 percent, receive a lesser percentage of property tax relief than agricultural or commercial real property owners eligible for the ten percent reduction provided under Section 4 of the bill, even with the

existing $2,000 limit contained therein. Under such circumstances, we believe a serious constitutional question would arise as to the propriety of effectively imposing different tax burdens on the value of certain homestead property in comparison to the value of non-homestead properties, given the disparate relief which would be accorded to each type of property under LB 84. Apart from the obvious issue of whether the imposition of such disproportionate taxation in relation to the value of these respective properties would violate the principle of uniformity under Article VIII, Section 1, we believe a serious question also exists as to whether such provisions, in concert, constitute unreasonable class legislation in violation of Article III, Section 18, of the Nebraska Constitution.

Finally, we feel compelled to point out that the exclusion of taxable personal property from the relief provisions contained in LB 84 is, in our opinion, unconstitutional. Article VIII, Section 2 of the Nebraska Constitution, provides, in pertinent part: "The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation." Pursuant to this constitutional authority, the Legislature has classified and exempted various types of personal property from taxation. E.g. Neb.Rev.Stat. §77-202 (Cum. Supp. 1988).

While Article VIII, Section 2, of the Constitution, allows the Legislature to classify and exempt tangible personal property from taxation, the provisions of LB 84, which effectively exclude owners of taxable personal property from eligibility for the relief available to owners of real property, do not in any way manifest any legislative action to classify and exempt personal property from taxation as contemplated by this constitutional provision. All real property and taxable personal property are in the same class for purposes of taxation, and must be valued and assessed uniformly and proportionately in accordance with the mandate of Article VIII, Section 1. Grainger Brothers Co. v. County Board of Equalization, 180 Neb. 571, 582, 144 N.W.2d 161, 168-69 (1966). By removing taxable personal property from the benefits accorded other property owners under LB 84, it is apparent that owners of personal property subjected to taxation would, in effect, be required to pay proportionately greater taxes in relation to the value of such property in comparison to real property owners. The imposition of non-uniform and disproportionate taxation in relation to the taxable value of personal property in comparison to real property which would result from the implementation of LB 84 would, in our view, contravene Article VIII, Sections 1 and 4, of our Constitution.

Since the adoption of the Nebraska Constitution of 1871, our fundamental law has contained a requirement that taxes on property be levied proportionately in relation to the value of the property of all taxpayers. The Nebraska Supreme Court has consistently recognized that the constitutional requirement of uniformity in the area of property taxation is designed to guarantee equality in tax treatment among property owners and to insure that all property taxpayers are required to bear their proportionate share of taxes based on the value of property. See, e.g., State ex rel. Bee Building Co. v. Savage, 65 Neb. 714, 91 N.W. 716 (1902) Chicago, B. & Q. R. R. Co. v. State Board of Equalization and Assessment, 170 Neb. 77, 101 N.W.2d 856 (1960); Equitable Life v. Lincoln County Board of Equalization, 229 Neb. 60, 425 N.W.2d 320 (1988). Obviously, many changes have occurred since the initial adoption of this constitutional principle. In particular, the historic reliance on property taxes as the primary source for the revenue needed to sustain both state and local government functions has, to a large degree, undergone a noticeable shift. Along with the establishment of the State Sales and Income Tax Act in 1967, and the corresponding imposition of the prohibition of a state tax on property contained in Article VIII, Section 1A, other specific constitutional amendments have been adopted which, to some degree, have altered the nature of our property tax system.[1]

Irrespective of these changes, our state supreme court has not, in the area of property taxation, wavered from the constitutional principle mandating uniformity of taxation. Apart from the existence of specific constitutional provisions contained in Article VIII, Sections 1 and 2, such as those authorizing the Legislature to classify and exempt personal property from taxation and to provide for a homestead exemption, the Legislature is prohibited from enacting legislation in contravention of this general constitutional principle. On the basis of the reasons previously stated, it is our opinion that the provisions of LB 84, as amended, would, if enacted, be unconstitutional.

[1]Article VIII, Sections 1 and 2, of the Constitution, have been amended on several occasions to authorize legislative action with regard to specific areas of property taxation. For example, among the specific provisions which have been adopted are those authorizing the Legislature to act to: (1) provide for the taxation of motor vehicles by a different method than utilized for other tangible property; (2) classify and exempt personal property from taxation; and (3) provide for a homestead exemption.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

7-125-13

REPORTS

Received quarterly report from the Nebraska Energy Office for the Municipal Natural Gas Regulation Revolving Loan Fund pursuant to Section 19-4617, R.R.S. 1943.

Received Actuarial Valuations reports from the Nebraska Public Employees Retirement Systems for 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.

MOTION - Approve Appointment

Mr. Coordsen moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 1984: Gerald Stolze - Boiler Safety Code Advisory Board.

Voting in the affirmative, 25:

Barrett	Coordsen	Hannibal	Morrissey	Warner
Beck	Crosby	Hefner	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Johnson, L.	Robak	Weihing
Beyer	Elmer	Korshoj	Rogers	Wesely
Byars	Goodrich	Kristensen	Smith	Withem

Voting in the negative, 0.

Present and not voting, 5:

Lamb	Langford	Lynch	Nelson	Scofield

Excused and not voting, 19:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Johnson, R.	McFarland	Schimek
Baack	Haberman	Labedz	Moore	Schmit
Chambers	Hall	Landis	Peterson	

The appointment was confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Wesely withdrew his pending amendment, AM1536, found in the Journal on page 1944, and considered on page 1977.

Mr. Wesely renewed his pending amendment, FA194, found in the Journal on page 1944.

The Wesely amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Messrs. Bernard-Stevens and Wesely renewed their pending amendment, AM1524, found in the Journal on page 1942.

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. Bernard-Stevens moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Bernard-Stevens-Wesely amendment.

Voting in the affirmative, 20:

Ashford	Coordsen	Hefner	Lynch	Rogers
Barrett	Elmer	Johnson, R.	Morrissey	Smith
Beck	Haberman	Kristensen	Nelson	Wesely
Chambers	Hall	Lamb	Peterson	Withem

Voting in the negative, 18:

Bernard-Stevens	Dierks	Johnson, L.	Pirsch	Warner
Beyer	Goodrich	Korshoj	Robak	Wehrbein
Crosby	Hannibal	Landis	Schimek	Weihing
	Hartnett	Langford	Scofield	

Present and not voting, 4:

Byars	Lindsay	Moore	Schellpeper

Excused and not voting, 7:

Abboud	Chizek	Labedz	McFarland	Schmit
Baack	Conway			

The Bernard-Stevens-Wesely amendment lost with 20 ayes, 18 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens renewed his pending amendment, AM1522, found in the Journal on page 1943.

Mr. Korshoj 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 Bernard-Stevens amendment lost with 8 ayes, 18 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Withem renewed his pending amendment, FA192, found in the Journal on page 1942.

The Withem amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1620

1. Strike original sections 9 and 10 and

insert the following new section:

"Sec. 9. That section 81-15,151, Revised Statutes Supplement, 1988, be amended to read as follows:

81-15,151. (1) There is hereby created in the state treasury a ~~cash~~ fund to be known as the Wastewater Treatment Facilities Construction Loan Fund. The fund shall be held as a trust fund for the purposes and uses described in the Wastewater Treatment Facilities Construction Assistance Act.

The fund shall consist of federal capitalization grants, state matching appropriations, repayments of principal and interest on loans, and other money designated for the fund. The Director of Environmental Control may make loans from the fund pursuant to the act and may use up to four percent of all federal capitalization grant awards to the fund for the reasonable cost of administering the fund and conducting activities under Title VI of the Clean Water Act. The state investment officer shall invest any money in the fund available for investment pursuant to sections 72-1237 to 72-1276. Investment earnings shall be credited to the fund.

The department may create or direct the creation of subaccounts within the fund as the department determines to be appropriate and useful in administering the fund and in providing for the security and repayment of bonds.

The fund and the assets thereof may be used, to the extent permitted by the Clean Water Act, as amended, and the regulations adopted and promulgated pursuant to such act, to pay or to secure the payment of bonds and the interest thereon, except that amounts deposited into the fund from state appropriations and the earnings on such appropriations may not be used to pay or to secure the payment of bonds or the interest thereon.

(2) There is hereby created the Construction Administration Fund. Any funds available for administering loans or fees collected pursuant to the Wastewater Treatment Facilities Construction Assistance Act shall be deposited in the Construction Administration Fund. The Construction Administration Fund shall be administered by the department for the

purposes of the act. The state investment officer shall invest any money in the Construction Administration Fund available for investment pursuant to sections 72-1237 to 72-1276. Investment earnings on the Construction Administration Fund shall be credited to the Construction Administration Fund. ~~The department shall maintain the following separate accounts for four distinct activities: (1) An administration account; (2) a federal allocations account; (3) a state allocations account; and (4) an investment earnings account. The administration account, the federal allocations account, and the state allocations account shall comprise the water pollution control revolving fund required by Title VI, section 601 et seq., of the Clean Water Act.~~

~~The administration account shall consist of any funds available for administering construction loans pursuant to the Wastewater Treatment Facilities Construction Assistance Act or section 603(d)(7) of the Clean Water Act. The director may pay the reasonable costs of administering loans and of other necessary activities.~~

~~The federal allocations account shall consist of federal capitalization grants pursuant to section 601 of the Clean Water Act and repayments of principal and interest on loans. The director may make loans from the federal allocations account pursuant to the Wastewater Treatment Facilities Construction Assistance Act.~~

~~The state allocations account shall consist of state appropriations necessary to qualify for federal capitalization grants, repayments of principal and interest on loans, and other money designated for the fund. The director may make loans from the state allocations account pursuant to the Wastewater Treatment Facilities Construction Assistance Act.~~

~~The investment earnings account shall consist of investment earnings on any invested balance in the fund. The Legislature may transfer funds from the investment earnings account to the state allocations account.~~

~~The state investment officer shall invest any money in the fund available for investment pursuant to sections 72-1237 to 72-1269. Investment earnings shall be credited to the investment earnings account of the fund.~~".

2. On page 9, line 6, strike "operation, maintenance,".

3. On page 11, line 17, strike "operation, maintenance,".

4. On page 13, line 1, strike "operation, maintenance,".

5. On page 16, line 7, strike "maintenance,"; in line 20 strike "make"; and in line 21 strike "loans to" and insert "deposit the proceeds from the issuance of bonds in".

6. On page 17, line 6, strike "13 and 14" and insert "12 and 13".

7. On page 18, line 24, after the period insert "The full faith and credit and the taxing power of the state are not pledged to the payment of such bonds or the interest thereon.".

8. On page 23, line 23, after the period insert "The system may allow discounted interest rates for short-term loans.".

9. On page 24, strike lines 14 through 18 and insert "(6) Except as limited by section 81-15,151, the power to obligate the Wastewater Treatment Facilities Construction Loan Fund and the assets thereof, in whole or in part, to repay with interest bonds, the proceeds of which are deposited into the fund.".

10. On page 25, line 8, strike "fund" and insert "Wastewater Treatment Facilities Construction Loan Fund" and after "thereof" insert "to the extent permitted by section 81-15,151"; and in line 10 after "pledging" insert "to the extent permitted by section 81-15,151".

11. On page 26, lines 17 and 25, strike "fund" and insert "Wastewater Treatment Facilities Construction Loan Fund".

12. On page 27, line 23, strike "81-15,149,".

13. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 92. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District.

PURPOSE: The provision of fire protection services to rural, unincorporated areas has traditionally been the function of the fire protection district. Since 1907, the statutes have provided for people in unincorporated areas to form a taxing district for the purpose of taxing themselves to contract with neighboring cities for fire protection services. For the most part the mechanism has worked extremely well.

In recent years, municipal growth and annexation, particularly in the Omaha metropolitan area, has led to some controversy and uncertainty as to the operation of current fire protection district statutes. Questions of the division of assets, the merger of districts, the most efficient provision of services, and long-term contracts have been raised in Nebraska courts as well as in proposed legislation.

Recognizing that the Legislature has not undertaken a comprehensive review of the fire protection district statutes for nearly fifteen years, this study will examine current statutes, both in the light of current controversies and problems and with an eye to up dating current statutes to reflect more current practices and existing fiscal conditions on the local level. In the conduct of this study, the committee will attempt to involve local municipal officials, local fire departments, and the officers and residents of existing fire protection districts.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 93. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District; and Scofield, 49th District.

PURPOSE: During the past two legislative sessions, the Urban Affairs Committee of the Legislature has had a deep concern for the need to provide Nebraska municipalities with appropriate tools to foster economic growth and development. In 1987, the committee

introduced and sponsored LR 21CA, and followed up with an interim study on the issue the same year. In the 1989 session of the Legislature, the committee introduced two constitutional amendment resolutions and considered two others dealing with the same issue.

Following the public hearing on the proposed constitutional amendments, the committee decided to retain only one of the proposals, LR 11CA, sponsored by Senator Scofield. If adopted, LR 11CA would permit cities and villages to use local sources of revenue to finance economic and industrial development projects after a vote of the people to approve the expenditure. The amendment would not be self-executing and would require legislative action to permit cities to exercise the authority.

Because the amendment would ultimately require legislative action, the committee decided to delay action on advancing the bill until the committee had the opportunity to investigate possible alternative proposals on how the amendment might be implemented. It decided that it would be most appropriate to draft an implementation bill and advance it to the full Legislature to follow the constitutional amendment and to provide the Legislature and the public with a clear picture of how the amendment would operate in actual practice and of what restrictions would be placed upon municipal exercise of the economic development authority.

The purpose of this interim study is to examine the current economic development needs of the cities of this state, the most appropriate limitations that should be placed upon the municipal exercise of the authority that would be granted upon adoption of LR 11CA, and to determine the proper form for implementation legislation.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 94. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District; and Scofield, 49th District.

PURPOSE: Nebraska municipalities are currently recognizing the need to address the problem of the quality of their drinking water. There is growing concern with regard to land uses in the areas surrounding their sources of supply for water that certain uses can adversely impact the purity and safety of the municipal water supply. Legislation introduced in 1989 legislative session and referred to the Urban Affairs Committee, specifically LB 216, sought to extend authority currently available to cities of the second class to protect their water supply to cities of the first class.

Concerns about the nature of the authority proposed to be granted to the cities and the possible jurisdictional confusion that might result led the committee to decide against advancing the bill to the full Legislature in favor of devoting time during the interim to a further study of the issue and its implications.

This study will investigate the extent of the problem of municipal water supply pollution and determine the best means of approaching a solution to the problem consistent with the concerns of agricultural and industrial interests. It will determine how best to coordinate such an approach with existing state and federal regulatory authority in the area of water quality and try to craft a solution aimed at efficient, effective protection of the municipal water supply without duplication or extra cost to the taxpayers.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 95. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District.

PURPOSE: Of the several standing committees in the Legislature, the Urban Affairs Committee has perhaps the broadest and most diverse subject matter jurisdiction. The committee has traditionally received bills the subject matter of which extends from cemeteries, to

natural gas, to museums. Bills quite often arise from specific problems in specific municipalities in a manner which does not lend itself to early identification or classification as would be the case with issues in the jurisdiction of other committees.

Recognizing this fact, the Urban Affairs Committee proposes an interim study aimed at identifying specific problems prior to the next legislative session so as to permit a more careful review of solutions before the session begins when time is not available for the type of analysis that the problems deserve.

The purpose of this study shall be to provide a forum during the interim period for municipalities and their representatives to present issues which would be the subject of future legislation or to solicit their reaction to proposals which have been presented to the committee for future consideration. The subjects under consideration would extend to any matter relevant to the Urban Affairs Committee's subject matter jurisdiction. It would be the goal of this study to determine whether such preliminary review of issues could streamline the hearing process and permit an expedited review of urban-oriented legislation.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 96. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Smith, 33rd District.

PURPOSE: In the last several legislative sessions, as well as during the last two interim periods, the Urban Affairs Committee and the Legislature have devoted considerable time and attention to municipal growth patterns and the conditions existing in areas commonly referred to as the extraterritorial zoning jurisdiction of cities. While several bills have been introduced to amend or reform the current organization and operation of sanitary and improvement districts, there has been no substantive study of the statutes creating and controlling such districts for several years.

When the sanitary and improvement district statutes were originally adopted, the intent was to create a mechanism for easy and economically feasible development of areas surrounding municipalities without the need for up front government financing. With rapidly shifting economic conditions and resulting changes in financing costs and interest rates, there is a need to examine the viability of the sanitary and improvement district mechanism in the current statutory scheme and determine whether it can continue to fulfill its original goals.

The purpose of this study is to involve sanitary and improvement district residents, municipal interests, the legal and financial communities, and the real estate industry in an assessment of the conditions that currently exist with regard to sanitary and improvement districts and to determine what changes or improvements are necessary to ensure that current and future sanitary and improvement districts operate efficiently and effectively as a tool of municipal growth and development.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 97. Introduced by Chambers, 11th District.

WHEREAS, the undergraduate programs of the University of Nebraska-Lincoln serve the entire State of Nebraska; and

WHEREAS, there exists a statistically significant disparity between the representation of Black, American Indian, and Hispanic minority students in the undergraduate student enrollment of the University of Nebraska-Lincoln and the representation of such minority students in the total student enrollment of the primary and secondary schools of this state in that during the 1988-89 academic year, Black, American Indian, and Hispanic minority students respectively comprised 4.9%, 1.0%, and 2.3% of the total student enrollment of the primary and secondary schools of this state and

1.6%, 0.2%, and 0.9% of the undergraduate student enrollment of the University of Nebraska-Lincoln; and

WHEREAS, the undergraduate programs of the University of Nebraska at Omaha serve primarily the residents of the city of Omaha and Douglas County; and

WHEREAS, there exists a statistically significant disparity between the representation of Black, American Indian, and Hispanic minority students in the undergraduate student enrollment of the University of Nebraska at Omaha and the representation of such minority students in the total student enrollment of the primary and secondary schools of Douglas County in that during the 1988-89 academic year Black, American Indian, and Hispanic minority students respectively comprised 15.1%, 0.8%, and 2.5% of the total student enrollment of the primary and secondary schools in Douglas County and 4.1%, 0.2%, and 1.4% of the undergraduate student enrollment of the University of Nebraska at Omaha; and

WHEREAS, in order to fulfill the intent and purpose of section 85-116 that no person be deprived of the privileges of the University of Nebraska-Lincoln or the University of Nebraska at Omaha because of race or nationality, the State of Nebraska has a compelling interest in eliminating the statistically significant underrepresentation of Black, American Indian, and Hispanic students in the undergraduate student population of each university; and

WHEREAS, this compelling interest of the state should be addressed in part by the establishment of an endowment fund to provide total and partial undergraduate scholarships of tuition, fees, books, room, and board at the University of Nebraska-Lincoln and the University of Nebraska at Omaha to full-time Black, American Indian, and Hispanic students who cannot afford such educational expenses due to lack of financial resources available to them; and

WHEREAS, such a scholarship program should be implemented as a temporary measure for the purpose of eliminating the statistically significant underrepresentation of Black, American Indian, and Hispanic students in the undergraduate student populations of the University of Nebraska-Lincoln and the University of Nebraska at Omaha and for the purpose of developing a more racially and ethnically diverse student body at each university.

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

1. That the Board of Regents of the University of Nebraska is authorized to establish an endowed scholarship program for full-time Black, American Indian, and Hispanic undergraduate students at the University of Nebraska-Lincoln and the University of Nebraska at

Omaha who are graduates of a high school in this state and who due to lack of financial resources available to them cannot afford expenses associated with an undergraduate postsecondary education.

2. That such scholarship program, if implemented by the Board of Regents, shall be a temporary measure to continue only so long as there exists a statistically significant underrepresentation of any such minority group in the undergraduate student population of each university.

3. That any money appropriated by the Legislature for such a scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the Board of Regents may determine and as authorized by section 72-1246.

4. That the income from such endowed scholarship fund shall be expended for scholarships as described in this resolution and in accordance with such policies and requirements as the Board of Regents may deem necessary and proper.

5. That funds appropriated to the Board of Regents for such scholarship program shall be used in conjunction with private donations for scholarships and federal grant funds available to minority students at the University of Nebraska-Lincoln and the University of Nebraska at Omaha.

6. That the Clerk of the Legislature shall send a copy of this resolution to the Board of Regents.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 813. Messrs. R. Johnson, Baack, and Coordsen renewed their pending amendment, AM1574, found in the Journal on page 1952.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. R. Johnson requested a roll call vote on the R. Johnson-Baack-Coordsen amendment.

Voting in the affirmative, 26:

Bernard-Stevens	Crosby	Johnson, R.	Lynch	Rogers
Byars	Dierks	Korshoj	Morrissey	Schellpeper
Chambers	Elmer	Kristensen	Nelson	Smith
Conway	Haberman	Lamb	Peterson	Weihing
Coordsen	Hall	Lindsay	Robak	Withem
	Hefner			

Voting in the negative, 14:

Barrett	Hannibal	Landis	Pirsch	Warner
Beck	Hartnett	Langford	Schimek	Wesely
Beyer	Johnson, L.	Moore	Scofield	

Present and not voting, 3:

Ashford	Labedz	Wehrbein

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Abboud	Baack	Chizek	McFarland	Schmit

The R. Johnson-Baack-Coordsen amendment was adopted with 26 ayes, 14 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. R. Johnson and Baack renewed their pending amendment, AM1575, found in the Journal on page 1953.

Mr. Korshoj 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 12 ayes, 0 nays, and 37 not voting.

Mr. R. Johnson requested a roll call vote on the R. Johnson-Baack amendment.

Voting in the affirmative, 21:

Beck	Elmer	Korshoj	Lindsay	Rogers
Byars	Hall	Kristensen	Lynch	Smith
Conway	Hefner	Lamb	Morrissey	Weihing
Coordsen	Johnson, R.	Landis	Nelson	Wesely
Dierks				

Voting in the negative, 18:

Ashford	Beyer	Hartnett	Moore	Scofield
Barrett	Crosby	Johnson, L.	Robak	Warner
Bernard-Stevens	Haberman	Labedz	Schellpeper	Wehrbein
	Hannibal	Langford	Schimek	

Present and not voting, 5:

Chambers	Goodrich	Peterson	Pirsch	Withem

Excused and not voting, 5:

Abboud	Baack	Chizek	McFarland	Schmit

The R. Johnson-Baack amendment lost with 21 ayes, 18 nays, 5 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Tuesday, May 9, 1989 8:15 a.m.
Gale Wickersham - Motor Vehicle Industry Licensing Board

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1636

1. On page 38, strike line 3 and insert "GENERAL FUND 448,654 441,286; strike line 4 and insert "PROGRAM TOTAL 448,654 441,286"; in line 6 strike "$321,392" and insert "$344,637"; in line 9 strike "$321,392" and insert "$344,637"; strike line 13 and insert "GENERAL FUND 472,819 465,452"; and strike line 14 and insert "AGENCY TOTAL 472,819 465,452".

RESOLUTIONS

LEGISLATIVE RESOLUTION 98. Introduced by Goodrich, 20th District; Bernard-Stevens, 42nd District; Conway, 17th District; Withem, 14th District; Robak, 22nd District; Coordsen, 32nd District; Korshoj, 16th District; Beyer, 3rd District.

PURPOSE: The protection of children from known criminal sex offenders, drug pushers, and child abusers is of paramount importance to the Legislature. The inability to obtain criminal history information on current or prospective teachers, child or day care providers, persons operating school buses, and other employees places children at significant risk. The purpose of this resolution is to conduct an interim study of the ability of school districts and other state or local governmental agencies or political subdivisions to obtain criminal history information for purposes of employing, supervising, licensing, or certifying teachers, child or day care providers, school bus drivers, and other employees. In conducting this study consideration shall be given to:

(1) The criminal history and child abuse information currently available to school districts and other state or local governmental agencies or political subdivisions and the process for obtaining such information;

(2) The criminal history data bases or registries available on the federal level and process for obtaining access to such networks, data bases, or registries; and

(3) The criminal history data bases or registries available from other states and the possibility of entering into agreements with other states for purposes of accessing such information.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 99. Introduced by Ashford, 6th District.

PURPOSE: The purpose of this study is to conduct an interim study on the establishment of a family court system in Nebraska as proposed by LB 478, Ninety-first Legislature, First Session. The study shall include the cost and mechanics of establishing a family court system, staffing, jurisdiction, a comparison of the handling of domestic and family controversies by family courts and by other judicial systems, and any other matters the study committee deems relevant to carry out the purpose of this study.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 100. Introduced by Wesely, 26th District; Nelson, 35th District; Dierks, 40th District; Withem, 14th District; Bernard-Stevens, 42nd District.

PURPOSE: Teenage violence, both on and off school grounds, has increased significantly in recent years. Offenses by students connected with gang violence and drug abuse even though committed off school grounds impacts the school when such students are allowed back in the classroom. Historically, school districts had the authority to discipline students for behavior occurring both on and off school grounds which impacted the educational process. In 1976, LB 503, section 11, codified as section 79-4,180, was enacted which limited this traditional authority. The law prohibited the imposition of any discipline greater than a five-day suspension for offenses by students occurring off school grounds. The purpose of this resolution is to

conduct a study of how this limitation on traditional school district powers has impacted the schools of this state and the advisability of restoring such authority to help school districts cope with increasing teenage behavior problems off campus which seriously impact on the schools. In conducting this study, consideration shall be given to:

(1) The impact on the educational process of prohibiting school districts from taking serious disciplinary action against students who commit offenses off school grounds;

(2) The escalating problem of teenage violence, gang warfare, and drug abuse occurring off school grounds and the ramifications of such acts of violence on the school setting; and

(3) The deterrent effect of allowing school districts to take serious disciplinary action against students who commit offenses off school grounds.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101. Introduced by Hannibal, 4th District.

WHEREAS, the week commencing June 5, 1989, has been designated by the National Management Association as Management Week; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, Management Week has been observed annually since 1978 and has been recognized through joint resolution by the Congress of the United States and by presidential proclamation; and

WHEREAS, in the past the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, the Nebraska State Government Chapter of the National Management Association will join with other private and public sector managers nationwide to honor the role and achievements of managers in our society during Management Week.

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

1. That the Legislature hereby declares the week commencing June 5, 1989, as Management Week in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That a copy of this resolution be delivered to the officers of the Nebraska State Government Chapter of the National Management Association.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Haberman renewed his pending amendment, AM1504, found in the Journal on page 1961.

Mr. Hall 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 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman amendment lost with 9 ayes, 20 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1629

1 Purpose: To establish an endowed minority student

scholarship fund at the University of Nebraska.

1. On page 127, lines 2 and 3, strike "204,674,251" and insert "205,474,251"; and after line 23 insert "Minority Student Scholarship Program $800,000 -0-".

2. On page 131, after line 19 insert

"There is included in the appropriation to this program $800,000 General Funds for FY1989-90 for the Board of Regents of the University of Nebraska to establish an endowed scholarship program in accordance with Legislative Resolution 97, Ninety-first Legislature, First Session, 1989, for undergraduate students from minority groups which are statistically underrepresented at the University of Nebraska who are graduates of a high school in Nebraska. Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the board shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships.".

Mr. Haberman asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1505

1. On page 139, line 19, strike "2,321,320" and insert "2,351,320"; and in line 22 strike "3,032,707" and insert "3,062,707".

2. On page 140, after line 9 insert:

"There is included in the appropriation to this program for FY1989-90 $30,000 General Funds for a study by the society to determine whether the state should acquire Joslyn Castle.".

3. On page 168, line 25, strike "275,606" and insert "225,606".

4. On page 169, line 2 strike "1,614,245" and insert "1,564,245"; and strike lines 8 through 11.

5. On page 170, line 6, strike "4,908,252" and insert "4,858,252"; and in line 9 strike "18,926,285" and insert "18,876,285".

VISITORS

Visitors to the Chamber were 46 fourth grade students and teacher from Hillrise Elementary School, Elkhorn; 46 fourth grade students and teachers from Hitchcock Elementary School, Millard; Senator Morrissey's son, Nate Morrissey, and 30 third grade students, teacher, and sponsors from Tecumseh Elementary School; Senator Lamb's daughter-in-law, Donnabell Lamb, and his grandson, Rodney Lamb; and 14 kindergarten through seventh grade students and teacher from Brugh School, Fremont.

RECESS

At 12:02 p.m., on a motion by Mr. Byars, 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. Abboud, Baack, Moore, and Warner who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 280 in the Journal. No objections. So ordered.

AM1619

1. On page 27, strike beginning with "and" in line 24 through line 25.

2. On page 28, strike line 1 through "that" in line 2 and insert "or (2)"; and in line 7 after "community" insert "if the franchisor has given written notice of such fact to the franchisee within sixty days of receipt by the franchisor of information reasonably necessary to evaluate the proposed change".

MOTION - Return LB 606 to Select File

Mr. Landis moved to return LB 606 to Select File for the following specific amendment:
FA202

On page 3, line 2 strike the period and insert the following: "or duly authorized by the creditor and signed by the debtor."

Mr. Landis withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 606.

A BILL FOR AN ACT relating to banks and banking; to define terms; to limit actions and defenses based on and provide for credit agreements as prescribed; to provide for applicability of provisions; 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, 44:

Ashford	Coordsen	Hefner	Lindsay	Schellpeper
Barrett	Crosby	Johnson, L.	Lynch	Schimek
Beck	Dierks	Johnson, R.	McFarland	Schmit
Bernard-Stevens	Elmer	Korshoj	Morrissey	Scofield
	Goodrich	Kristensen	Nelson	Smith
Beyer	Haberman	Labedz	Peterson	Wehrbein
Byars	Hall	Lamb	Pirsch	Weihing
Chambers	Hannibal	Landis	Robak	Wesely
Conway	Hartnett	Langford	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Baack	Chizek	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 681. With Emergency.

A BILL FOR AN ACT relating to rental agreements; to amend sections 45-335 and 69-1601, Reissue Revised Statutes of Nebraska, 1943, and section 1-201, Uniform Commercial Code; to adopt the Consumer Rental Purchase Agreement Act; to redefine terms; to provide severability; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Johnson, L.	Lynch	Schellpeper
Ashford	Crosby	Johnson, R.	McFarland	Schimek
Barrett	Dierks	Korshoj	Moore	Schmit
Beck	Elmer	Kristensen	Morrissey	Scofield
Bernard-Stevens	Goodrich	Labedz	Nelson	Smith
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Byars	Hannibal	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Rogers	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Chizek	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 78.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111 to 75-118, 75-128, 75-136, 75-140, 75-155, 75-301 to 75-304, 75-305 to 75-307, 75-309, 75-311, 75-348, 75-358, 88-530, 88-531, 88-532, 88-543, 88-545, and 88-547, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to investigatory powers; to change provisions relating to examinations; to change provisions relating to records and reports; to change penalty provisions; to provide for judicial review as prescribed; to

provide an administrative remedy for certain violations by carriers as prescribed; to provide for notice and a hearing; to change provisions relating to filing petitions; to define a term; to require insurance for certain commercial motor carriers; to provide for transportation service by transportation cooperatives as prescribed; to change provisions relating to grain warehouse licenses and security requirements; to change penalty provisions for warehouse licensees; to provide penalties for partners, officers, and agents of warehouse licensees; to change enforcement powers of the commission; to provide duties for the Revisor of Statutes as prescribed; to eliminate certain penalties; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 75-309.02 and 75-322.01, 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	Coordsen	Johnson, L.	Lynch	Schellpeper
Ashford	Crosby	Johnson, R.	McFarland	Schimek
Barrett	Dierks	Korshoj	Moore	Schmit
Beck	Elmer	Kristensen	Morrissey	Scofield
Bernard-Stevens	Goodrich	Labedz	Nelson	Smith
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Byars	Hannibal	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Rogers	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Chizek	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 646.

A BILL FOR AN ACT relating to hospitals; to provide for membership and clinical privileges for certain medical practitioners as prescribed; and to authorize standards and procedures.

Whereupon the 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.	Lynch	Schellpeper
Ashford	Crosby	Johnson, R.	McFarland	Schimek
Barrett	Dierks	Korshoj	Moore	Schmit
Beck	Elmer	Kristensen	Morrissey	Scofield
Bernard-Stevens	Goodrich	Labedz	Nelson	Smith
	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Byars	Hannibal	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Rogers	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 3:

Baack	Chizek	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 262.

A BILL FOR AN ACT relating to tourism; to amend section 81-1254, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1245, 81-1251, 81-1255, and 81-1258, Revised Statutes Supplement, 1988; to authorize an increase in the hotel occupancy tax as prescribed; to authorize the creation of the County Visitors Improvement Fund; to provide uses for such fund; 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, 29:

Ashford	Dierks	Hefner	Lindsay	Schellpeper
Beck	Elmer	Johnson, L.	Lynch	Schmit
Bernard-Stevens	Goodrich	Johnson, R.	Moore	Scofield
	Hall	Kristensen	Morrissey	Smith
Conway	Hannibal	Labedz	Nelson	Weihing
Crosby	Hartnett	Langford	Pirsch	Withem

Voting in the negative, 15:

Abboud	Byars	Haberman	Landis	Robak
Barrett	Chambers	Korshoj	McFarland	Wehrbein
Beyer	Coordsen	Lamb	Peterson	Wesely

Present and not voting, 2:

Rogers Schimek

Excused and not voting, 3:

Baack Chizek Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Schmit renewed his pending motion, found in the Journal on page 1977, to suspend Rule 6, Section 7(b), to permit the consideration of LB 591Ae on Final Reading on May 2, 1989.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Schmit motion prevailed with 40 ayes, 1 nay, 5 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 591. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01, 2-1207, 2-1208.01, 2-1224, 2-1225, and 2-1227, Reissue Revised Statutes of Nebraska, 1943; to provide for interstate simulcasting; to provide for a tax as prescribed; to state and restate intent; to define and redefine terms; to provide for licenses for interstate simulcast facilities 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	Crosby	Johnson, L.	Lynch	Schellpeper
Ashford	Dierks	Johnson, R.	McFarland	Schmit
Barrett	Elmer	Korshoj	Morrissey	Scofield
Bernard-Stevens	Goodrich	Kristensen	Nelson	Smith
	Haberman	Labedz	Peterson	Wehrbein
Beyer	Hall	Lamb	Pirsch	Weihing
Byars	Hannibal	Landis	Robak	Wesely
Conway	Hartnett	Langford	Rogers	Withem
Coordsen	Hefner	Lindsay		

Voting in the negative, 2:

Beck Chambers

Present and not voting, 2:

Moore Schimek

Excused and not voting, 3:

Baack Chizek Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 606, 681, 78, 646, and 262.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 591A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 591, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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, R.	Lynch	Schimek
Barrett	Elmer	Korshoj	McFarland	Schmit
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Scofield
	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pirsch	Wehrbein
Byars	Hannibal	Landis	Robak	Weihing
Conway	Hartnett	Langford	Rogers	Wesely
Coordsen	Hefner	Lindsay	Schellpeper	Withem
Crosby	Johnson, L.			

Voting in the negative, 2:

Beck	Chambers

Present and not voting, 3:

Ashford	Moore	Peterson

Excused and not voting, 3:

Baack	Chizek	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 591 and 591A.

UNANIMOUS CONSENT - Print in Journal

Messrs. Rogers, Coordsen, Dierks, R. Johnson, Kristensen, Elmer, and Morrissey asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1633

1. On page 26, line 7, strike "$250,000" and insert "$434,250"; and in line 9 strike "$750,000" and insert "$1,302,750".

Mr. McFarland asked unanimous consent to print the following amendment to LB 175 in the Journal. No objections. So ordered.

AM1627

(Amendments to the Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 48-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1118. (1) Whenever it is charged in writing under oath or affirmation by or on behalf of a person or persons claiming to be aggrieved, and such charge sets forth the facts upon which it is based, that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission ~~shall determine,~~ determines after such investigation, that there is reasonable cause to believe that the charge is true, the

commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who shall make public in any manner whatever any information in violation of this subsection, shall be guilty of a Class III misdemeanor, except as provided in subdivision (3) of section 48-1117.

(2) A written charge of violation of ~~sections 48-1101 to 48-1125~~ the Nebraska Fair Employment Practice Act shall be filed within one hundred eighty days after the occurrence of the alleged unlawful employment practice and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents may, at any time after a ~~complaint~~ charge is filed, issue or cause to be served interrogatories and shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being investigated or proceeded against that relates to unlawful employment practices covered by ~~sections 48-1101 to 48-1125~~ the act and is relevant to the charge under investigation. The commission may seek judicial enforcement through the office of the Attorney General to require the answering of interrogatories and in order to gain access to evidence or records.".

2. On page 1, line 1, strike "section 48-1116" and insert "sections 48-1116 and 48-1118"; in line 4 after the semicolon insert "to change a provision relating to the investigation of unlawful practices;"; and in line 5 strike "section" and insert "sections".

3. On page 4, line 5, strike "section 48-1116" and insert "sections 48-1116 and 48-1118"; and in line 6 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1638

(Amendments to E&R Amendments, AM7063)

1. On page 52, line 24; and page 53, line 6, strike "January" and insert "March".

UNANIMOUS CONSENT - Members Excused

Messrs. Landis and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 588. Mr. Conway withdrew his pending motion, found in the Journal on page 1602, to indefinitely postpone.

Mr. Korshoj renewed his pending amendment, AM1262, found in the Journal on page 1550.

The Korshoj amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Hartnett and Withem withdrew their pending amendment, AM1188, found in the Journal on page 1448.

Mr. Hartnett withdrew his pending amendment, AM1187, found in the Journal on page 1462.

Mr. Chambers renewed his pending amendment, AM1339, printed separately from the Journal and referred to on page 1645.

Mr. Hall renewed his pending amendment, AM1475, found in the Journal on page 1879, to the pending Chambers amendment.

The Hall amendment was adopted with 15 ayes, 6 nays, 23 present and not voting, and 5 excused and not voting.

PRESIDENT NICHOL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Chambers amendment, as amended, was adopted with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Ashford withdrew his pending amendment, AM1272, found in the Journal on page 1914.

Advanced to E & R for Review with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill were correctly engrossed: 429.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 429

The following changes, required to be reported for publication in the Journal, have been made:
ER6179
1. On page 34, line 8, "hearing" has been struck and "meeting" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1989, at 3:05 p.m., were the following bills: 606, 681, 78, 646, 262, 591, and 591A.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1572

1. Insert the following new sections:

"Sec. 2. Any person applying for or holding a license as (1) a commercial lessor, distributor, gaming manager, or manufacturer pursuant to the Nebraska Bingo Act, (2) a distributor, manufacturer, pickle card operator, or sales agent pursuant to the Nebraska Pickle Card Lottery Act, or (3) a lottery operator or manufacturer-distributor pursuant to the Nebraska County and City Lottery Act shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol for the purpose of determining whether the department has a basis to deny the license application or to suspend, cancel or revoke the person's license.

If the applicant or licensee is a corporation, the persons subject to such requirement shall include any officer or director of the corporation, his or her spouse, and any stockholder owning in the aggregate more than ten percent of the stock of the corporation. If the applicant or licensee is a partnership, the persons subject to such requirement shall include any partner and his or her spouse.

A person applying for or holding a license as a pickle card operator shall be subject to such requirement only if such an investigation has not been performed by the Nebraska Liquor Control Commission.

The applicant or licensee shall pay the actual cost of any fingerprinting or check of his or her criminal history record information.

Sec. 61. If a city or village which has exercised its authority under section 60 of this act to prohibit lotteries within its boundaries annexes any area in which a lottery is being lawfully conducted by a county, the county may continue the lottery for a period not to exceed the shorter of (a) the remainder of the term of the county's agreement with the lottery operator or (b) two years. The lottery shall be subject to all taxes, regulations, and controls imposed by the city or village under such section, whether imposed before or after annexation.".

2. On page 34, line 3, after "manufacturer-distributor" insert "other than itself".

3. On page 43, line 13, strike "Commencing on and after" and insert "Until"; in line 15 strike the new matter and reinstate the stricken matter; and in line 17 after the period insert "Commencing October 1, 1989, not less than sixty-five percent or more than eighty percent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes.".

4. On page 53, in lines 12 and 21 strike "or" and insert "and"; and in line 20 strike "markers,".

5. On page 54, line 7, after "obtain" insert "or hold".

6. On page 67, line 23, after the semicolon insert "and".

7. On page 68, strike lines 3 through 5; in line 8 after "(3)" insert "Each application by any lottery operator shall include:

(a) The name, address, and date of birth of every individual who is the lottery operator or the sole proprietor, a partner, a corporate officer, or an employee of the lottery operator;

(b) The name and state identification number of the county, city, or village on whose behalf a lottery will be conducted;

(c) A statement signed by an authorized representative of the county, city, or village signifying that such county, city, or village approves the applicant to act as a lottery operator on behalf of such county, city, or village; and

(d) Any other information which the department deems necessary.

A separate license shall be obtained by a lottery operator for each county, city, or village on whose behalf a lottery will be conducted.

(4)"; in line 13 strike "(4)" and insert "(5)"; and in line 15 strike "(5)" and insert "(6)".

8. On page 71, line 7, after "or" insert "is not a".

9. On page 74, line 17, strike "and state identification number".

10. On page 81, line 20, strike "any provision of".

11. On page 86, line 18, strike "18, 22 to 25, and 71" and insert "19, 23 to 26, and 73"; and in line 20 strike "69 and 72" and insert "60, 61, 71, and

74".

12. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Lynch withdrew his pending amendment, AM1468, found in the Journal on page 1825.

Mr. Bernard-Stevens and Ms. Schimek moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the following:
AM1609

1. Insert the following new section:

"Section 1. The Legislature hereby finds that the completion of a high school education is a positive factor in realizing an increasingly productive, independent citizenry. The Legislature further finds that pregnant and parenting students twenty-one years of age and younger are especially at risk in completing their high school education.

Therefor, the Department of Social Services shall provide day care services to parenting students twenty-one years of age and younger who are working toward completing a high school education. The services shall be available to such students regardless of income level or available resources.

From such funds as may be appropriated for the day care services, the department shall provide payment for day care service directly to the day care provider on behalf of such students twenty-one years of age and younger if such day care services cannot be obtained through other programs of the department.

To help ensure that parenting students twenty-one years of age and younger are aware of the day care options available, the department shall work with the public schools to assure that the appropriate application forms are available in the public schools and that the public schools assist in the completion and submission of such forms.

The department shall adopt and promulgate rules and regulations to carry out the provisions of this section.".

2. On page 2, line 1; page 4, line 19; page 5, lines 8, 23, and 25; and page 6, lines 3 and 7,

before "this" insert "sections 2 to 8 of".

3. In the Standing Committee amendments, AM1035, on page 2, lines 13 and 22, before "this" insert "sections 2 to 8 of".

Mr. Lynch moved to bracket LB 769 until Jan. 1, 1990.

Messrs. Landis, McFarland, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay 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 26 ayes, 0 nays, and 23 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The Lynch motion to bracket lost with 16 ayes, 26 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The pending Bernard-Stevens-Schimek motion to suspend the rules, was renewed.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 20:

Ashford	Conway	Landis	Morrissey	Smith
Bernard-Stevens	Crosby	Lindsay	Nelson	Weihing
Byars	Hall	Lynch	Schimek	Wesely
Chambers	Hannibal	Moore	Scofield	Withem

Voting in the negative, 21:

Abboud	Elmer	Korshoj	Langford	Rogers
Beck	Goodrich	Kristensen	Peterson	Schellpeper
Beyer	Hefner	Labedz	Pirsch	Schmit
Coordsen	Johnson, L.	Lamb	Robak	Wehrbein
Dierks				

Present and not voting, 1:

Hartnett

Excused and not voting, 7:

Baack	Chizek	Johnson, R.	McFarland	Warner
Barrett	Haberman			

The Bernard-Stevens-Schimek motion to suspend the rules lost with 20 ayes, 21 nays, 1 present and not voting, and 7 excused and not voting.

Messrs. Lindsay and Ashford withdrew their pending amendment, FA188, found in the Journal on page 1911.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 182A. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 182, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1645

1. On page 149, strike line 10 and insert "GENERAL FUND 20,913,847 20,938,139"; strike line 13 and insert "PROGRAM TOTAL 21,566,372 21,398,071"; in line 15 strike "$14,167,102" and insert "$14,795,046"; in line 18 strike "$14,167,102" and insert "$14,795,046"; in line 20 strike "$250,000" and insert "$931,320"; and in line 23 strike "$250,000" and insert "$931,320".

2. On page 152, strike line 15 and insert "GENERAL FUND 20,913,847 20,938,139"; and strike line 18 and insert "AGENCY TOTAL 24,432,722 24,264,421".

Mr. Schmit asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1644

1. On page 149, strike line 10 and insert "GENERAL FUND 20,732,527 20,656,819"; strike line 13 and insert "PROGRAM TOTAL 21,385,052 21,116,751"; and after line 15 insert:

"There is included in the appropriation to this program for FY1989-90 $500,000 General Funds for the purchase of a helicopter, which shall only be used for such purpose. There is included in the appropriation to this program for FY1990-91 $400,000 General Funds for the purchase of a helicopter, which shall be used only for such purpose.".

2. On page 152, strike line 15 and insert "GENERAL FUND 20,732,527 20,656,819"; and strike line 18 and insert "AGENCY TOTAL 24,251,402 23,983,101".

Mrs. Smith asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1637

1. On page 162, line 2, strike "2,087,191" and insert "2,487,191" and strike "2,093,123" and insert "2,517,123"; in line 5 strike "9,081,334" and insert

"9,481,334" and strike "9,087,266" and insert "9,511,266"; in line 12 strike "$1,645,322" and insert "$2,045,322"; in line 16 strike "$1,645,322" and insert "$2,069,322"; in line 22 strike "2,310,738" and insert "2,710,738" and strike "2,318,475" and insert "2,742,475"; and in line 25 strike "9,304,881" and insert "9,704,881"; and strike "9,312,618" and insert "9,736,618".

MESSAGE FROM THE GOVERNOR

April 21, 1989

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 Agricultural Land Valuation Advisory Board, requiring legislative confirmation.

Appointee: Kipton P. Hirschbach, Box 19, Norfolk, NE 68701, (402) 371-3660.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

RESOLUTIONS

LEGISLATIVE RESOLUTION 102. Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to study student employment. In the past several years there has been an increasing trend for a number of businesses to be open twenty-four hours a day. The labor source for these businesses has involved students of high school age and younger who are working and attending school at the

same time. This study shall determine what changes, if any, are needed in the state's existing labor laws in order to facilitate the academic success of these students.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 103. Introduced by Lynch, 13th District.

WHEREAS, the Cooperative Extension Service has provided opportunities for Nebraskans to put knowledge to work in agriculture, families, and communities for the past seventy-five years; and

WHEREAS, cooperative extension professionals, volunteer leaders, and local boards have combined to develop and conduct an educational program in cooperation with county governments, the State of Nebraska, and the federal government; and

WHEREAS, cooperative extension is coordinated at the state level by the University of Nebraska-Lincoln; and

WHEREAS, cooperative extension has been recognized for enhancing production agriculture, developing young people through 4-H youth programs, enriching family living through home economics programs, and improving the quality of life in rural and urban settings throughout Nebraska; and

WHEREAS, cooperative extension is developing new activities and delivery systems to address major issues identified by Nebraskans in terms of water quality, revitalizing rural communities, increasing agricultural profitability, strengthening individuals and families, managing our natural resources, and improving nutrition and health; and

WHEREAS, May 8, 1989, has been designated as the seventy-fifth anniversary of the Cooperative Extension Service.

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

1. That the Legislature recognizes and commends all former and present Nebraska cooperative extension professionals, local cooperative extension board members, 4-H club leaders, home extension club leaders, master gardeners, and other volunteer leaders and participants in various programs who have contributed to the progress of the Cooperative Extension Service as well as the State of Nebraska during the past seventy-five years and expresses best wishes for success in the years ahead.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1583

1. On page 63, line 17, strike "31,760,028" and insert "32,060,028"; and in line 20 strike "43,499,929" and insert "43,799,929".

2. On page 65, lines 6 and 7, strike "and FY1990-91"; and in line 8 after the period insert "There is included in the state aid appropriation to this program for FY1990-91 $600,000 General Funds which shall be used to develop psychiatric emergency services in the state.".

3. On page 76, line 1, strike "77,722,912" and insert "78,022,912"; and in line 4 strike "120,770,230" and insert "121,070,230".

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Chambers moved to indefinitely postpone.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Ashford	Hannibal	Morrissey	Scofield	Weihing
Baack	Korshoj	Nelson	Smith	Wesely
Chambers	Landis	Schimek		

Voting in the negative, 30:

Abboud	Conway	Hall	Lamb	Robak
Barrett	Coordsen	Hartnett	Langford	Rogers
Beck	Crosby	Hefner	Lindsay	Schellpeper
Bernard-Stevens	Dierks	Johnson, L.	Moore	Schmit
	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Labedz	Pirsch	Withem
Byars				

Excused and not voting, 6:

Chizek	Johnson, R.	Lynch	McFarland	Warner
Haberman				

The Chambers motion to indefinitely postpone lost with 13 ayes, 30 nays, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1649

(Amendments to Final Reading copy)

1. Strike beginning on page 3, line 24, through page 5, line 1, and insert:

"(a)(i) For school year 1989-90, a full-time

equivalent teacher paid less than fourteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(ii) For school year 1990-91, a full-time equivalent teacher paid less than sixteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher; and

(iii) For school year 1991-92, a full-time equivalent teacher paid less than seventeen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(b)(i) For school year 1989-90, a full-time equivalent teacher paid at least fourteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as eighty-hundredths of one full-time equivalent teacher;

(ii) For school year 1990-91, a full-time equivalent teacher paid at least sixteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as eighty-hundredths of one full-time equivalent teacher; and

(iii) For school year 1991-92, a full-time equivalent teacher paid at least seventeen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as eighty-hundredths of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(d) A full-time equivalent teacher with a master's degree, regardless of his or her regular compensation, shall be counted as one and one-fifth full-time equivalent teachers.".

Ms. Scofield asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1647

1. On page 16, line 16, before "In" insert "(1)"; in line 18 strike "(1)" and insert "(a)"; and in line 20 strike "(2)" and insert "(b)".

2. On page 17, after line 1 insert the following new subsection:

"(2) Upon the issuance of bonds for aiding the financing of wastewater treatment projects and at the earliest point that bond proceeds become available, the authority shall transfer the proceeds, less the cost of the issuance and financing of such bond issues, to the Wastewater Treatment Facilities Construction Loan Fund.".

3. On page 25, after line 18 insert the following new subdivision: "(a) Accounting from the Nebraska Investment Finance Authority for the costs associated with the issuance of bonds pursuant to the act;"; in line 19 strike "(a)", show as stricken, and insert "(b)" and after "payments" insert "or deposits"; in line 21 strike "(b)", show as stricken, and insert "(c)"; and in line 23 strike "(c)", show as stricken, and insert "(d)".

Ms. Scofield asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1648

1. Insert the following new section:

"Sec. 15. That section 84-1409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1409. ~~As used in~~ For purposes of sections 79-327, 84-1408 to 84-1414, and 85-104, unless the context otherwise requires:

(1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by the Nebraska Constitution, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by the Nebraska Constitution, statute, or otherwise pursuant to law, (d) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, ~~and~~ (e) advisory committees of

the bodies referred to in subdivisions (a), (b), and (c) of this subdivision, and (f) instrumentalities exercising essentially public functions. Sections 79-327, 84-1408 to 84-1414, and 85-104 shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body nor shall such sections apply to judicial proceedings, unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders; and

(2) Meeting shall mean all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body.".

2. On page 27, line 21, strike "and" and before "Reissue" insert ", and 84-1409,".

3. Renumber the remaining sections accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1596

1. On page 26, line 11, strike "and" and show as stricken; after line 11 insert the following new subdivision:

"(8) The power to make state allocations concurrent with loans to municipalities with populations of eight hundred inhabitants or less which demonstrate serious financial hardships. The annual obligation to the state shall not exceed three hundred thousand dollars. The department may authorize grants for up to one-half of the eligible project cost. Such state allocations shall contain a provision that payment of the amount allocated is conditional upon the availability of appropriated funds. All funds appropriated shall be administered on a cash-flow basis utilizing General Funds appropriated to Agency No. 84 -- Department of Environmental Control, Program No. 523 - Wastewater Facilities Construction Assistance Program, to meet payment requirements as they occur. The department shall submit to the Governor and the Clerk of

the Legislature a semiannual report on January 1 and July 1 of each fiscal year containing information which shows the financial status of the program, including a statement of the fund balance, an itemized list of all conditional grants made to municipalities, including actual and estimated amounts and the time of payouts, the necessary appropriations required to meet those grants, and any other information which will reflect the progress and financial status of the program. Each member of the Legislature shall receive a copy of the report required by this section by making a request for it to the department; and"; and in line 12 strike "(8)" and insert "(9)".

Messrs. Withem and Hartnett asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1653

1. In the Chambers amendment, AM1339, on page 8, line 21, after "hundred" insert "fifty".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 769. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 fifth grade students and teachers from Henderson Public School; 18 sixth grade students and teacher from Sumner Eddyville Miller School; nine seventh and eighth grade students and sponsors from St. John's, Waco; eighth grade students and teacher from St. Columbkille School, Papillion; 16 third through fifth grade students and teacher from Pender; and 45 fourth grade students and teachers from Westside Elementary School, Norfolk.

ADJOURNMENT

At 5:50 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 8:00 a.m., Wednesday, May 3, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 3, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 3, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by The Rev. Father Nicholas Klodnicki, Greek Orthodox Church of the Annunciation, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Conway, Haberman, Hall, R. Johnson, Landis, Lindsay, McFarland, Moore, Schmit, Wesely, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 97. Read. Considered.

LR 97 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 101. Read. Considered.

LR 101 was adopted with 32 ayes, 0 nays, and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Bernard-Stevens offered the following amendment:
AM1579

1. On page 168, line 5, strike "515,947" and insert "541,189"; and in line 7 strike "629,432" and insert "654,674"; and after line 21 insert:

"There is included in the appropriation to this program for FY1989-90 $25,242 General Funds to upgrade and retain the government procurement program, to maintain the North Platte Procurement Office, and to establish a match-marketing program.".

2. On page 170, line 6, strike "4,908,252" and insert "4,933,494"; and in line 9 strike "18,926,285" and insert "18,951,527".

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Hannibal requested a roll call vote on the Bernard-Stevens amendment.

Voting in the affirmative, 25:

Baack	Chizek	Elmer	Landis	Schellpeper
Beck	Conway	Goodrich	McFarland	Schimek
Bernard-Stevens	Coordsen	Haberman	Nelson	Smith
Byars	Crosby	Hartnett	Robak	Weihing
Chambers	Dierks	Kristensen	Rogers	Withem

Voting in the negative, 13:

Barrett	Johnson, L.	Langford	Morrissey	Warner
Hannibal	Korshoj	Lynch	Scofield	Wehrbein
Hefner	Lamb	Moore		

Present and not voting, 4:

Beyer	Peterson	Schmit	Wesely

Excused and not voting, 7:

Abboud	Hall	Labedz	Lindsay	Pirsch
Ashford	Johnson, R.			

The Bernard-Stevens amendment was adopted with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM1559

Purpose: To provide additional child welfare employees.

1. On page 77, line 5, strike "29,092,977" and insert "29,421,652" and strike "29,767,737" and insert "30,632,674"; in line 7 strike "40,488,590" and insert "40,570,758" and strike "43,379,391" and insert "43,595,625"; in line 8 strike "69,767,067" and insert "70,177,910" and strike "73,332,628" and insert "74,413,799"; in line 10 strike "$39,372,798" and insert "$39,699,632"; and in line 13 strike "$39,383,368" and insert "$40,202,630".

2. On page 86, line 17, strike "196,303,760" and insert "196,632,435" and strike "210,819,930" and insert "211,684,867"; in line 19 strike "296,162,968" and insert "296,245,136" and strike "321,469,155" and insert "321,685,389"; and in line 20 strike "492,942,228" and insert "493,353,071" and strike "532,764,585" and insert "533,845,756".

Mr. Wesely withdrew his pending amendment.

Mr. Moore renewed his pending amendment, FA199, found in the Journal on page 1977.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 6 nays, and 25 not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 97.

GENERAL FILE

LEGISLATIVE BILL 813. The pending Moore amendment, FA199, was renewed.

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.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore withdrew his pending amendment, FA199.

Mr. Chambers renewed his pending amendment, AM1629, found in the Journal on page 2015.

The Chambers amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Smith renewed her pending amendment, AM1637, found in the Journal on page 2034.

Messrs. Rogers, Lynch, and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Smith moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 27:

Ashford	Chambers	Haberman	Labedz	Schmit
Baack	Conway	Hall	Lindsay	Smith
Beck	Coordsen	Hartnett	Nelson	Weihing
Bernard-Stevens	Crosby	Johnson, R.	Robak	Wesely
Byars	Dierks	Korshoj	Schellpeper	Withem
	Goodrich	Kristensen		

Voting in the negative, 13:

Barrett	Hefner	Landis	Schimek	Warner
Beyer	Johnson, L.	Langford	Scofield	Wehrbein
Hannibal	Lamb	Moore		

Present and not voting, 3:

Elmer	McFarland	Peterson

Excused and not voting, 6:

Abboud	Lynch	Morrissey	Pirsch	Rogers
Chizek				

The Smith amendment was adopted with 27 ayes, 13 nays, 3 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 104. Introduced by Hartnett, 45th District.

PURPOSE: LB 789 was introduced in the 1989 session of the Legislature to provide an additional retirement option to police officers in cities of the first class in Nebraska. It would have permitted the retiring police officer to receive his or her pension benefits in the form of a lump sum settlement. Opposition to the bill focused on the fact that this option would reduce the pension program to little more than a savings plan. What did emerge from testimony at the public hearing on the bill was the basic conclusion that it was important to investigate the current annuity purchase scheme and to determine how best to alter or improve current practices to ensure a better return to the retiree. This study will investigate the current police pension program in cities of the first class and determine what changes are necessary to eliminate current police concerns about the level of pension benefits they will receive.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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. Smith asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1470

(Amendments to AM7063)

1. Insert the following new sections:

"Sec. 45. (1) A governing board of a county, city, or village may submit to the registered voters of such county, city, or village the question whether an existing lottery should be continued. The question may be submitted at a regular election or a special election called by the governing board of the county, city, or village for such purpose.

(2) The question shall be submitted in substantially the following form:

Shall the (county, city, or village) of (here insert the name of the county, city, or village) continue operating a lottery pursuant to the Nebraska County and City Lottery Act?

For continued operation of lottery

Against continued operation of lottery

(3) A majority of the voters voting on the issue shall determine such issue. The vote shall be binding on the affected county, city, or village and, if the majority vote is to discontinue the lottery, such county, city, or village shall discontinue the lottery within sixty days of the certification of the election results.

(4) An election pursuant to this section shall not be held within two years of the election authorized

under section 44 of this act and shall not be held more often than once every two years.

(5) An election held by a county, city, or village pursuant to section 44 of this act shall not be held within two years of an election authorized under this section and section 46 of this act if such election results in the discontinuation of the lottery in the county, city, or village.

Sec. 46. (1) The registered voters of any county, city, or village shall have the right to vote on the question of whether an existing lottery should be continued. The question shall be submitted to such voters whenever petitions calling for its submission, signed by at least twenty percent of the number of persons voting in the county, city, or village at the last preceding general election, are presented to the governing board of the county, city, or village.

(2) Upon receipt of the petitions provided under subsection (1) of this section, it shall be the duty of the governing board to submit the question at a special election to be held not less than thirty nor more than forty-five days after receipt of the petitions, except that if any other election is to be held in such county, city, or village within ninety days of receipt of the petitions, the governing board may provide for the holding of the lottery election on the same day.

(3) The governing board shall give notice of the submission of the question of whether an existing lottery should be continued, not more than twenty days nor less than ten days prior to the election, by publication one time in one or more newspapers published in or of general circulation in the county, city, or village in which such question is to be submitted. Such notice shall be in addition to any other notice required under the general election laws of this state.

(4) The question shall be submitted to the electors in the form provided in subsection (2) of section 45 of this act.

(5) A majority of the voters voting on the issue shall determine such issue. The vote shall be binding on the affected county, city, or village and, if the majority vote is to discontinue the lottery, such county, city, or village shall discontinue the lottery

within sixty days of the certification of the election results.

Sec. 47. On and after October 1, 1989, any contract entered into by a county, city, or village relating to the conduct of a lottery shall include a provision permitting the county, city, or village to terminate the contract by giving thirty days' notice to the other party if such lottery has been discontinued by an election authorized under section 45 or 46 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM1610

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. The provisions of this act shall not be construed to impose any additional requirements on schools which, pursuant to subdivision (5) of section 79-328 and subsections (2) through (4) of section 79-1701, have elected to not comply with state requirements for accreditation or approval due to sincerely held religious beliefs.

Sec. 5. All data on individual students generated pursuant to this act, including data on individual student's academic performance, shall be kept private and confidential and shall be subject to section 79-4,157 and the General Education Provisions Act, 20 U.S.C. 1232(g) through (i), and all other provisions of state and federal laws insuring the privacy and confidentiality of information on students.".

2. On page 1, line 3, after the first semicolon insert "to provide exemptions of certain schools as prescribed; to provide confidentiality on certain student data;".

3. On page 2, line 11; page 3, line 12, after "the" insert "academic".

4. On page 4, line 25, after "on" insert "academic".

5. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Wesely renewed his pending amendment, AM1583, found in the Journal on page 2037.

Mr. Wesely withdrew his pending amendment.

Mr. Schmit renewed his pending amendment, AM1578, found in the Journal on page 1986.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment:
AM1506

1. On page 34, line 8, strike "1,286,353" and insert "1,435,503" and strike "1,405,988" and insert "1,570,138"; in line 12 strike "24,720,915" and insert "24,870,065" and strike "26,206,560" and insert "26,370,710"; in line 19 strike "$850" and insert "$150,000"; in line 22 strike "$850" and insert "$165,000"; and in line 25 strike "$850" and insert "$150,000".

2. On page 35, line 1, after "and" insert "the $165,000 General Funds provided as state aid in"; and in line 22 strike "213,920,218" and insert "214,069,368" and strike "219,637,921" and insert "219,802,071".

3. On page 36, strike line 1 and insert:
"AGENCY TOTAL 301,422,924 311,893,664".

PRESIDENT NICHOL PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Hannibal requested a roll call vote on the Hall amendment.

Voting in the affirmative, 25:

Ashford	Chambers	Goodrich	Labedz	Peterson
Baack	Chizek	Hall	Landis	Robak
Beck	Conway	Hartnett	Langford	Schmit
Bernard-Stevens	Crosby	Hefner	Lindsay	Smith
Byars	Dierks	Kristensen	McFarland	Withem

Voting in the negative, 9:

Coordsen	Hannibal	Korshoj	Scofield	Wehrbein
Elmer	Johnson, L.	Lamb	Warner	

Present and not voting, 9:

Barrett	Haberman	Moore	Schimek	Wesely
Beyer	Johnson, R.	Nelson	Weihing	

Excused and not voting, 6:

Abboud	Morrissey	Pirsch	Rogers	Schellpeper
Lynch				

The Hall amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens moved to reconsider the Aquaculture (AM1524) to LB 813.

Mr. Schmit 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 lost with 24 ayes, 5 nays, and 20 not voting.

Mr. Kristensen 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 Bernard-Stevens motion to reconsider prevailed with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

The Bernard-Stevens-Wesely amendment, AM1524, found in the Journal on page 1942, and considered on page 1998, was reconsidered.

Mr. Haberman 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 Bernard-Stevens-Wesely amendment was adopted with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

Messrs. Haberman, Lynch, and Mrs. Beck asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers renewed his pending amendment, AM1636, found in the Journal on page 2011.

Mrs. Robak, Messrs. R. Johnson, and Barrett asked unanimous consent to be excused until they return. 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 amendment.

Voting in the affirmative, 22:

Abboud	Byars	Goodrich	Landis	Schmit
Ashford	Chambers	Hall	Lindsay	Weihing
Baack	Chizek	Hartnett	McFarland	Wesely
Bernard-Stevens	Conway	Kristensen	Nelson	Withem
	Elmer	Labedz		

Voting in the negative, 8:

Hefner	Korshoj	Moore	Scofield	Wehrbein
Johnson, L.	Lamb	Schimek		

Present and not voting, 11:

Beyer	Dierks	Langford	Peterson	Smith
Coordsen	Hannibal	Morrissey	Pirsch	Warner
Crosby				

Excused and not voting, 8:

Barrett	Haberman	Lynch	Rogers	Schellpeper
Beck	Johnson, R.	Robak		

The Chambers amendment lost with 22 ayes, 8 nays, 11 present and not voting, and 8 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 105. Introduced by Baack, 47th District.

WHEREAS, the Adjutant General Association of the United States (AGAUS) will hold its annual Spring Conference in Lincoln May 12-16, 1989; and

WHEREAS, the Adjutant General Association of the United States was organized in 1912; and

WHEREAS, the Association's goals are to: (1) Promote and support adequate national security; (2) promote the efficiency of the National Guard of the United States and of the several states; and (3) facilitate and improve the administration of the National Guard through the agencies of the Department of Defense and the several states.

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

1. That the Legislature welcomes the Adjutant General Association of the United States to Lincoln May 12-16, 1989.

2. That the Legislature recognizes the important role the National Guard plays in the defense structure of the United States.

3. That the Legislature is honored that the Adjutant General Association of the United States has chosen Lincoln and Nebraska for the site of its Spring Conference in 1989.

4. That a copy of this resolution be delivered to Major General Stanley Heng, the Adjutant General of the Nebraska National Guard, for presentation to the Association.

Laid over.

LEGISLATIVE RESOLUTION 106. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study economic development on Indian Reservations in Nebraska and to review what the State can do to stimulate economic growth on the reservations.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 639 in the Journal. No objections. So ordered.

AM1576

1. On page 4, line 14, after "for" insert "community and"; strike beginning with "(b)" in line 18 through "(c)" in line 19, show the old matter as stricken, and insert "and (b)"; and in line 20 after "81-1201.07" insert ". Community and economic development strategies for regions within the state shall be the responsibility of local governments within the various regions of the state. A program to develop such strategies shall be funded by the department and supervised by the Community Development Block Grant Program Advisory Committee".

2. Insert the following new sections:

"Sec. 8. The creation of community and economic development strategies for regions within the state shall be the responsibility of local governments in the various regions of the state. The department shall make matching grant funds available to groups of local governments to develop such strategies. The Community Development Block Grant Program Advisory Committee shall develop guidelines for funding of community and economic development strategy grants,

including recommendations for regions to be considered when awarding grant funds. The advisory committee shall be assisted by the Community and Rural Development Division of the department and the Governor's Policy Research Office. The advisory committee shall determine which local governments receive such grant funds.

Grant funds may be awarded to groups of local governments. At least ten local governments shall be sponsors in each grant application. Local governments may include, but not be limited to, counties, cities, councils of governments, school districts, natural resource districts, technical community college districts, and public power districts. No local government shall sponsor more than one application for grant funds. For purposes of meeting the criteria for participation by ten local governments, applications by councils of governments may be determined to represent all local governments which are members of such councils. A strategy development grant awarded to any group of local governments may provide funds for the creation of a community and economic development strategy for the group of local governments involved, including personnel costs and publication costs. The grant shall be awarded to a group of local governments for purposes of assessing community and economic development needs in the area represented by the local governments. Strategies for community and economic development shall be based on such needs assessment.

The local governmental bodies within a group shall provide a matching fund contribution of up to fifty percent by direct appropriations or an in-kind contribution of facilities, donated labor, or staff time.

The advisory committee may award up to twenty-five thousand dollars for each grant application. Not more than ten grants may be awarded annually. Preference in awarding grants shall be given to applications which primarily address the needs of persons living in rural incorporated areas of counties, second-class cities, and villages outside standard metropolitan statistical areas.

To the extent possible the advisory committee shall give preference in awarding community development block grant funds to groups of local governments that

have completed such strategic planning process.

No grant funds for community and economic development strategies shall be awarded pursuant to this section after June 30, 1991.

Sec. 9. The Revisor of Statutes shall assign section 8 of this act within sections 81-1201.01 to 81-1201.20, and any reference to such sections shall be construed to include section 8 of this act.".

3. Renumber the remaining section accordingly.

Mr. Baack asked unanimous consent to print the following amendment to LB 640 in the Journal. No objections. So ordered.

AM1625

1. Insert the following new sections:

"Section 1. That section 23-343.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.25. The elective officers of a local hospital district shall be a board of directors consisting of five members. The members of the first board shall be appointed by the county board and shall be so appointed that two members shall serve ~~a term~~ terms ending on the first Tuesday in June following the first statewide primary election following the initial appointment, and three shall serve ~~a term~~ terms ending on the first Tuesday in June following the second statewide primary election following the initial appointment.

At the first statewide primary election after the initial appointment, two members shall be elected for terms of four years. At the second statewide primary election after the initial appointment, three members shall be elected for terms of four years.

Candidates shall file personal nonpartisan applications with the county clerk or election commissioner as provided in Chapter 32. Their successors shall thereafter be elected for terms of four years each.

Terms of membership on the board of directors which are to expire in 1971 are hereby extended to 1972. Members elected to the board in 1972 shall serve four-year terms, except ~~; PROVIDED,~~ that if four members

of the board are to be elected in 1972, the candidate who receives the fourth highest number of votes shall serve a term of two years. Terms of membership on the board of directors which are to expire in 1973 are hereby extended to 1974. At the election in 1974, two members shall be elected for terms of four years. The successors of all members of the board of directors shall serve four-year terms.

Members of the board shall be elected from the district at large at the time of the statewide primary election. Their terms shall begin on the first Tuesday in June following their election, and they shall serve until their successors are duly elected and qualified. All qualified electors of this state who reside within the hospital district on or before the day of the election shall be entitled to vote in such hospital district election. Such election shall be conducted by the appropriate county clerk or election commissioner in accordance with the provisions of Chapter 32.

Any vacancy upon such board, occurring other than by the expiration of a term, shall be filled by appointment by the remaining members of the board of directors. Any person appointed to fill such vacancy shall serve for the remainder of the unexpired term. If there is a vacancy in the offices of a majority of the members of the board, there shall be a special election conducted by the Secretary of State to fill such vacancies.

Sec. 11. That section 79-2647, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2647. A vacancy on any board shall exist in the event of the death, disability, resignation, or removal from the area of any member. After notice and hearing, a vacancy shall also exist when any member is absent from more than three consecutive regular meetings of the board, unless such absences are excused by a majority of the remaining board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining board members for the balance of the unexpired term. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. Such appointment shall be made in writing and certified

to the office of the Secretary of State. If, after an election, there shall through any cause whatsoever be a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to section 32-537. An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term. If there is a vacancy in the offices of a majority of the members of the board, there shall be a special election conducted by the Secretary of State to fill such vacancies.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 5; page 3, line 13; page 5, line 12; page 6, line 4; page 10, line 17; page 11, line 10; and page 15, lines 9 and 16, strike "9" and insert "10".

3. On page 16, line 24, after "sections" insert "23-343.25,"; and in line 25 after the first comma insert "and 79-2647,".

4. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1663

PURPOSE: To provide planning funds for a public events center / headquarters building at the University of Nebraska Agricultural Research and Development Center at Mead.

Amendment: On page 27, after line 2 insert:

"The Board of Regents of the University of Nebraska is hereby authorized to plan, through the Design Development Phase, for a public events center / headquarters building at the University of Nebraska Agricultural Research and Development Center at Mead.

There is hereby appropriated $190,000 from the State Building Fund for the fiscal year ending June 30, 1990, for planning. The total project cost shall not exceed $2,889,661.".

Mr. Baack asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1582

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 44-1620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1620. (1) There is hereby established a program of group life and health insurance for all permanent employees of this state who work one-half or more of the regularly scheduled hours during each pay period, excluding employees of the University of Nebraska, the state colleges, and the technical community colleges. Such program shall be known as the Nebraska State Insurance Program and shall replace any current program of such insurance in effect in any agency and funded in whole or in part by state contributions.

(2) For purposes of sections 44-1620 to 44-1632, health insurance may be construed to include coverage for disability and dental health care services.

(3) Any commissioned employee of the Nebraska State Patrol who on or after July 17, 1986, has reached fifty-one years of age or becomes medically disabled and who will not receive benefits from the federal social security program shall be afforded the opportunity to remain enrolled in the state employees' group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share and the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.

Sec. 3. That section 44-1622, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1622. The ~~Risk Manager~~ Department of Personnel shall select, with the assistance of the ~~Department of Personnel~~ Risk Manager, one or more carriers or combinations of carriers licensed to do insurance business in Nebraska to serve as administrator of the insurance contract or contracts. Such selection

shall be made after open competitive bidding in which any carrier authorized to provide the type or types of insurance coverage involved shall be eligible to participate. The ~~Risk Manager~~ department may develop bid specifications which provide for various forms of plan design and funding methods, including plans of self-insurance or any combination of such methods. The ~~Risk Manager~~ department may utilize such expert technical assistance provided by the ~~Department of Personnel~~ Risk Manager and other state agencies or outside consultants as may be required to establish and evaluate criteria for selection of carriers. The insurance contract or contracts may be subject to rebidding at any time after the inception of this program at the discretion of the ~~Risk Manager~~ department.

Sec. 4. That section 44-1622.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1622.01. The ~~Risk Manager~~ Department of Personnel may elect to offer a group health insurance option to employees subject to sections 44-1620 to 44-1632 in which the total cost of the single, ~~two- or~~ two-party, four-party, and family coverages are less than the rates listed in section 44-1620.01. The state shall provide such coverage at no cost to the employee.

Sec. 5. That section 44-1623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1623. Out of appropriations made for that purpose, the ~~Risk Manager~~ Department of Personnel shall (1) first enter into a contract providing, entirely at state expense, ten thousand dollars of basic life insurance protection and (2) enter into a contract to purchase a contract of group health insurance to be financed by the state to the extent that appropriations made for that purpose are available and, if necessary, by contributions from each employee. Each such contract shall provide insurance coverage for each employee specified in section 44-1620. Participation in the program of group health and life insurance shall be optional with the employee.

Sec. 6. That section 44-1630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

44-1630. There is hereby established in the state treasury the State Employees Insurance Fund, to be administered by the ~~Risk Manager~~ department, to which shall be credited all funds appropriated to pay the state's share of the cost of the coverages provided by sections 44-1620 to 44-1632 and all payroll deductions made under sections 44-1620 to 44-1632. The ~~Risk Manager~~ department shall make premium payments to the carrier, carriers, or combinations of carriers selected under section 44-1622 from this fund.

Any funds in the State Employees Insurance Fund available for investment shall be invested by the state investment officer ~~under the provisions of the Nebraska State Funds Investment Act~~ pursuant to sections 72-1237 to 72-1276.

Sec. 7. That section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239.01. (1) ~~As used in~~ For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska, which shall consist of the systematic identification of exposures to risk of loss as provided in ~~this act~~ sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239 to 81-8,239.06, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to ~~this act~~ such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in ~~this act~~ such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and to establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance and, after consultation with the state agency for which the insurance is purchased, enter into such contracts of insurance on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and to authorize payment for such purchase of insurance out of the appropriate funds created by ~~sections 44-1630 and~~ section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203~~,~~ and 44-1622~~, 44-1623, and 44-1630~~;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska and the University of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of ~~this act~~ sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239 to 81-8,239.06, and 81-8,300 and to make appropriation requests for the administration of the Risk Management

Program and the funding of the separate funds administered by the Risk Manager.

Sec. 8. That original sections 44-1620, 44-1620.01, 44-1622 to 44-1623, 44-1630, and 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber the remaining sections accordingly.

Mr. Hefner asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1471

(Amendments to AM7063)

1. On page 64, strike lines 18 through 24 and insert "Any lottery which has been authorized by an election held pursuant to this section, including elections held prior to October 1, 1989, shall no longer be authorized if, after the date the results of the election are certified as provided by law, four consecutive years lapse without operation of such lottery.".

2. On page 65, strike beginning with "lottery" in line 1 through the period in line 4.

VISITORS

Visitors to the Chamber were Jim Friesen from Henderson; Dan Lindstrom from Kearney; 25 fifth and sixth grade students and sponsor from Kenesaw Elementary School; 75 students from Prescott Elementary School, Lincoln; 35 seventh grade students and principal from Trinity Lutheran School, Grand Island; 22 fourth grade students and sponsors from Davenport and Clarmar Schools, Fremont; Sherri Cords, Jennifer Hongsermeier, Deb Hervert, and Judy Strate from Ravenna; and 37 fourth grade students and sponsors from Jefferson Elementary School, Grand Island.

RECESS

At 12:03 p.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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Dierks, Haberman, R. Johnson, Rogers, Schellpeper, Schmit, and Ms. Scofield who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 769. Considered.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA203
Amend by striking lines 20, 21 on page 5.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wehrbein, Hartnett, Haberman, and Mrs. Langford asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Beck moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

Mr. Warner 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, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Ashford	Chambers	Korshoj	Nelson	Warner
Baack	Elmer	Landis	Schimek	Weihing
Bernard-Stevens	Hannibal	Morrissey	Smith	Withem

Voting in the negative, 26:

Abboud	Crosby	Johnson, L.	Langford	Robak
Beck	Dierks	Johnson, R.	Lindsay	Schellpeper
Beyer	Goodrich	Kristensen	Moore	Schmit
Chizek	Hall	Labedz	Peterson	Wehrbein
Conway	Hefner	Lamb	Pirsch	Wesely
Coordsen				

Present and not voting, 2:

Barrett McFarland

Absent and not voting, 1:

Byars

Excused and not voting, 5:

Haberman Hartnett Lynch Rogers Scofield

The Chambers amendment lost with 15 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3 and vote on the advancement of LB 769 without further amendment or debate.

Messrs. Hall, Kristensen, Moore, Lamb, Landis, Chizek, and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

Mrs. Labedz requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 28:

Abboud	Conway	Hall	Langford	Pirsch
Barrett	Coordsen	Hefner	Lindsay	Robak
Beck	Crosby	Johnson, L.	McFarland	Schellpeper
Beyer	Dierks	Kristensen	Moore	Schmit
Byars	Elmer	Labedz	Peterson	Wehrbein
Chizek	Goodrich	Lamb		

Voting in the negative, 16:

Ashford	Chambers	Korshoj	Nelson	Weihing
Baack	Haberman	Landis	Schimek	Wesely
Bernard-Stevens	Hannibal	Morrissey	Smith	Withem
	Johnson, R.			

Excused and not voting, 5:

Hartnett	Lynch	Rogers	Scofield	Warner

The Labedz motion to suspend the rules lost with 28 ayes, 16 nays, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1655

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 16. That section 77-3513, Revised Statutes Supplement, 1988, be amended to read as

follows:

77-3513. (1) For the tax year 1988, it shall be the duty of each claimant who wants a homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor on or before April 1, 1988, and failure to do so shall constitute a waiver of the exemption for such year. The application shall include a certification of disability status as required by sections 77-3508 and 77-3509.

(2) Except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 9 of this act, section 77-3507 or 77-3509, or subdivision (1)(b), (c), (d), or (e) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant ~~shall qualify~~ qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 and section 9 of this act as though a claim were made.

(3) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 17. That section 77-3514, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3514. Commencing January 1, 1989, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, and commencing January 1, 1990, a claimant who is the owner of a homestead which has been granted an exemption under section 9 of this act shall certify to the county assessor by April 1 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, rating by the ~~Veterans' Administration of the~~ United States Department of

Veterans Affairs, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 or section 9 of this act may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.".

2. On page 1, line 5, after the third comma insert "77-3513, 77-3514,".

3. On page 4, line 1, strike "each item or parcel of real estate" and insert "all"; in line 5 after "all" insert "personal property taxes, excluding property taxes on motor vehicles registered for operation on the highways, and all"; in line 8 strike "real estate"; in line 9 after "1989" insert "or 1990"; and strike beginning with the period in line 11 through "pieces" in line 14; strike beginning with the comma in line 16 through "term" in line 19; and in line 24 after "and" insert "(a) for real estate property,".

4. On page 5, line 3, after "vendee" insert "or (b) for personal property, which is the owner of the

property for which the rebate is claimed"; in line 6 after "1989" insert "and commencing December 15, 1990, each taxpayer who has paid in full all property taxes levied in 1990"; in line 7 strike "ten" and insert "seven"; strike beginning with "up" in line 7 through "taxpayer" in line 8; in line 14 after "1989" insert "and by November 1, 1991, for a rebate for 1990"; and in line 21 after "each" insert "item of personal property and".

5. On page 6, lines 5 and 6 strike "real estate"; in line 13 strike "a" and insert "an annual"; in line 16 after "of" insert "personal and"; and in line 24 after "budget" insert "each fiscal year".

6. On page 7, strike beginning with "year" in line 15 through "homestead" in line 17 and insert "years 1989 and 1990 any owner of a homestead filing an application shall receive the greater of (1) an exemption of the first six thousand eight hundred dollars of the actual value of the homestead or (2) the rebate authorized in section 4 of this act".

7. On page 11, line 25, after "1989" insert "and after January 1, 1990, and on or before April 1, 1990, for tax year 1990".

8. On page 16, line 15, strike "1991" and insert "1992"; and in line 25 after the third comma insert "77-3513, 77-3514,".

9. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Tuesday, May 16, 1989 12:45 p.m.
JoAnne Rohr - Boiler Safety Code Advisory Board
Neil E. Avery - Boiler Safety Code Advisory Board

(Signed) George Coordsen, Chairperson

STANDING COMMITTEE REPORTS
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.

Brenda Council - Coordinating Commission on Postsecondary Education

Voting aye: Senators Baack, Crosby, Bernard-Stevens, Withem, Dierks. Voting nay: None. Absent: Senators Nelson, Chizek, McFarland.

(Signed) Ron Withem, 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.

Christine M. Harris - State Personnel Board

VOTE: Aye: Senators Baack, Bernard-Stevens, Beyer, Coordsen, Korshoj, Robak and Withem. Nay: None. Absent: Senator Conway.

(Signed) Dennis Baack, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 107. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study a mandatory retirement system for all police officers in second-class cities. The study shall include, but not be limited to:

(1) The funding for the retirement system;

(2) The affect on other second-class city employees;

(3) The benefits which would be included in the retirement plan;

(4) The fiscal impact on second-class cities;

(5) The transfer of employee retirement funds between city plans and county plans;

(6) The affect on current second-class city retirement plans; and

(7) The management of retirement systems and funds.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 108. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study the issues involved in providing supplemental health insurance and cost-of-living adjustments for retired teachers.

The study shall include a review of data necessary to answer the following questions:

(1) What approaches do other states use to fund health insurance for retired teachers;

(2) Are the levels of income of Nebraska's retired teachers sufficient given their current medical care costs;

(3) To what degree are retired teachers protected against the economic uncertainties of life;

(4) To what extent would a cost-of-living adjustment protect retired teachers when their pension income is eroded by inflation;

(5) What would be the cost of providing cost-of-living adjustments for retired teachers, what would be the strategies for funding that cost, and what approaches do other states use to protect the purchasing power of retired teachers; and

(6) How has the proportion of retirement and social security income changed for retired teachers when comparing those retiring in 1968 to those retiring in 1989?

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

1. That the Nebraska Retirement Systems 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 39 fourth grade students and sponsors from Paddock Lane School, Beatrice; 14 students and sponsors from Schuyler; 28 fourth grade students and teachers from Stanton Elementary; Jerry Langhorst, Lucille Clough, and Carmen Frickenstein from Creighton and Laura Clough from Norfolk; Tom, Mary, Shon, and Jessica Lieske from Minden; 12 students, teacher, and sponsors from Montessori Parent Coop for Children; Tom, Rose Ann, Brian, and Teresa Harvat; and 75 fourth grade students and sponsor from Pawnee Elementary School.

ADJOURNMENT

At 3:57 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 8:00 a.m., Thursday, May 4, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 4, 1989

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 4, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 4, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Stan Schrag, Grace Community Evangelical Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Conway, Hall, Kristensen, Landis, Lindsay, McFarland, Schellpeper, Schmit, Wesely, Withem, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Sixth Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 101.

RESOLUTION

LEGISLATIVE RESOLUTION 105. Read. Considered.

LR 105 was adopted with 26 ayes, 0 nays, and 23 not voting.

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 2071: Christine M. Harris - State Personnel Board.

Voting in the affirmative, 31:

Baack	Elmer	Johnson, L.	Moore	Schellpeper
Barrett	Goodrich	Johnson, R.	Morrissey	Scofield
Beyer	Haberman	Korshoj	Nelson	Smith
Chizek	Hannibal	Lamb	Peterson	Warner
Coordsen	Hartnett	Langford	Robak	Wehrbein
Crosby	Hefner	McFarland	Rogers	Weihing
Dierks				

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Lynch	Schimek

Excused and not voting, 15:

Abboud	Byars	Hall	Landis	Schmit
Beck	Chambers	Kristensen	Lindsay	Wesely
Bernard-Stevens	Conway	Labedz	Pirsch	Withem

The appointment was confirmed with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Haberman withdrew his pending amendment, AM1505, found in the Journal on page 2016.

Messrs. Peterson, Schellpeper, Hefner, Conway, Withem, L. Johnson, Lynch, Lindsay, Abboud, Beyer, Korshoj, Hall, Schmit, Coordsen, Lamb, Chizek, Dierks, Elmer, Landis, Goodrich, Mmes.

Robak, Labedz, Crosby, Nelson, Pirsch, and Beck offered the following amendment:

AM1590

1. On page 65, line 24, strike "$1,300,000" and insert "$735,000"; and in line 25 strike "$2,300,000" and insert "$1,735,000".

2. On page 66, after line 4, insert:

"There is included in the appropriation to this program for FY1989-90 and FY1990-91 $565,000 General Funds which shall be used to open ward 16 at the Norfolk Regional Center.".

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 8 nays, and 20 not voting.

Mr. Moore 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. Peterson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Goodrich requested a roll call vote on the Peterson et al. amendment.

Voting in the affirmative, 23:

Beck	Coordsen	Haberman	Labedz	Peterson
Bernard-Stevens	Crosby	Hefner	Lamb	Robak
Beyer	Dierks	Johnson, L.	Landis	Rogers
Chizek	Elmer	Johnson, R.	Lindsay	Schellpeper
	Goodrich	Korshoj	Lynch	

Voting in the negative, 13:

Ashford	Hartnett	McFarland	Scofield	Warner
Chambers	Kristensen	Moore	Smith	Wehrbein
Hannibal	Langford	Nelson		

Present and not voting, 5:

Baack	Barrett	Schimek	Weihing	Wesely

Excused and not voting, 8:

Abboud	Conway	Morrissey	Schmit	Withem
Byars	Hall	Pirsch		

The Peterson et al. amendment lost with 23 ayes, 13 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 109. Introduced by Warner, 25th District.

WHEREAS, the people of Latvia have contributed much to Nebraska's history through the settlement here of Latvian refugees and the contributions of Latvian individuals; and

WHEREAS, a 1909 graduate of the University of Nebraska, Karlis Ulmanis, became Latvia's first prime minister and later its last president before the Soviet takeover of the country in World War II; and

WHEREAS, Karlis Ulmanis disappeared after the Soviet takeover and his remains have never been recovered; and

WHEREAS, the Helsinki-86 group has been pressing the Soviet Union for information on and assistance in locating the remains of Dr. Ulmanis and bringing those remains back for burial in Latvian soil; and

WHEREAS, the Latvian Popular Front, an officially-recognized popular movement in Latvia, and the American Latvian Association have been working for and supporting reform movements in Latvia and greater Latvian autonomy from the Soviet Union; and

WHEREAS, the American Latvian Association is holding its annual Congress in Lincoln, Nebraska, on May 5-7 of this year; and

WHEREAS, this Congress comes at a historic time in Latvian history as these movements have recently been allowed more freedom of expression; and

WHEREAS, there is presently an effort to have the United States Congress pass a resolution supporting these Latvian movements.

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

1. That the Nebraska Legislature endorses the attempts to locate and recover the remains of Dr. Ulmanis.

2. That the Nebraska Legislature encourages the current efforts to pursue and secure reforms in Latvia.

3. That a copy of this resolution be presented to the American Latvian Association for its Congress on May 5-7 and that a copy also be sent to members of the Nebraska congressional delegation.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1675

(Amendment to E and R amendments, AM7064)

1. On page 16, line 18, strike "or", show as stricken, and insert an underscored comma and after "licensee" insert ", or local monitoring committee".

Mr. Lamb asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

AM1656

(Amendments to Final Reading copy)

1. Strike original sections 144, 146, 147, and 148 and insert the following new sections:

"Sec. 144. Sections 105, 108, 140, 144, and 146 of this act shall become operative on their effective date. Sections 113 to 121 of this act shall become operative on April 1, 1992. The other sections of this act shall become operative on September 1, 1990.

Sec. 146. That original section 75-363, Revised Statutes Supplement, 1988, is repealed.".

2. On page 3, line 1, after the semicolon insert "to adopt updated federal motor carrier safety regulations;"; in line 8 after the semicolon insert "and"; and strike beginning with the semicolon in line 11 through "emergency" in line 12.

3. On page 111, line 4, strike the new matter

and reinstate the stricken matter.

4. On page 156, strike beginning with "Each" in line 6 through line 21.

5. On page 177, line 14, strike "and"; in lines 17 and 18 reinstate the stricken matter; in line 17 after the reinstated "and" insert "to"; and in line 19 reinstate "60-403.10".

6. On page 187, line 19, strike "transportation vehicle which carries" and insert "bus designed to carry"; in line 21 reinstate the stricken matter, strike the new matter, and after the reinstated "bus" insert "designed to carry fifteen or fewer passengers, including the driver"; and in line 22 after "any" insert "such", reinstate the stricken matter, and strike the new matter.

7. On page 188, lines 5 and 15, reinstate "bus"; in line 6 strike "vehicle"; and in line 16 strike "transportation vehicle".

8. On page 189, line 2, reinstate the stricken matter and strike the new matter.

9. On page 192, line 13, before "and" insert "79-328,"; strike line 15; in line 21 strike "and"; and in line 23 after the second comma insert "and section 6, Legislative Bill 284, Ninety-first Legislature, First Session, 1989,".

GENERAL FILE

LEGISLATIVE BILL 813. Mrs. Nelson offered the following amendment:

FA204

Purpose: To appropriate $577,843 from the General Fund for FY1989-90 for the purpose of operating a juvenile detention facility at the Youth Development Center-Kearney

1. On page 110 strike line 3 and insert: "General Fund 42,818,947 43,487,239"; strike line 7 and insert: "PROGRAM TOTAL 48,442,241 49,198,253"; after line 15 insert: "There is included in the appropriation to this program for FY1989-90 $577,843 General Funds for the renovation, staffing, and operations of Dodge Cottage at the Youth Development Center-Kearney as a juvenile detention facility."

Mrs. Nelson withdrew her pending amendment.

Mr. Coordsen offered the following amendment:
AM1670

1. On page 127, lines 2 and 3, strike "204,674,251" and insert "204,699,451" and strike "208,828,581" and insert "208,855,041"; in line 14 strike "37,890,788" and insert "37,915,988" and strike "38,137,600" and insert "38,164,060"; and in line 16 strike "106,678,398" and insert "106,703,598" and strike "106,706,209" and insert "106,732,669".

2. On page 131, after line 19 insert:

"There is included in the appropriation to this program $25,200 General Funds for FY1989-90 and $26,460 General Funds for FY1990-91 for the University of Nebraska Institute of Agriculture and Natural Resources for a postdoctoral research position in the Entomology Department to address the chinch bug problem.".

Mr. Coordsen moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bernard-Stevens	Goodrich	Labedz	Nelson	Schmit
Chizek	Haberman	Lamb	Peterson	Smith
Coordsen	Hall	Landis	Robak	Wehrbein
Dierks	Hefner	Lindsay	Rogers	Weihing
Elmer	Johnson, R.	McFarland	Schellpeper	Withem

Voting in the negative, 13:

Beck	Hannibal	Kristensen	Schimek	Warner
Beyer	Johnson, L.	Langford	Scofield	Wesely
Crosby	Korshoj	Moore		

Present and not voting, 7:

Ashford	Barrett	Conway	Hartnett	Lynch
Baack	Chambers			

Excused and not voting, 4:

Abboud Byars Morrissey Pirsch

The Coordsen amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1529

(Amendments to E & R Amendments, AM 7063)

1. On page 53, after line 18, insert:

"A lottery operator shall be a resident of Nebraska or, if a partnership or corporation, shall be organized under the laws of this state as a partnership or incorporated under the laws of this state.".

Mr. Dierks asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1631

(Amendments to the E & R Amendments, AM7064)

1. Insert the following new sections:

"Sec. 2. That section 81-1579, Revised Statutes Supplement, 1988, 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.

(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. To ensure that the citizens of a county in which the proposed site is located are actively and voluntarily involved in the siting process, the developer shall take the following measures prior to submitting an application for a facility:

(1) Provide written notification to the Governor, Legislature, department, and county board of the county in which the proposed site is located and publish a notice in at least one newspaper with general

circulation in the county identifying the proposed site. Failure to comply with this subdivision with respect to a given site shall bar the developer from applying for a license for a facility to be located at such site; and

(2) Not more than sixty days after the county board receives the notice prescribed by subdivision (1) of this section, a special election may be held in such county for the purpose of determining whether a low-level radioactive waste facility should be built on the proposed site in the county.

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 specifically between the sites. Any registered voter who is a resident of such county may vote on the question. If such special election is held and less than a majority of such registered voters voting on the question for a given site vote to approve the site, the application for a license for a facility at such site shall be denied.

The special election may be called by the county board of the county in which the proposed site is located, and the date for such election shall be publicly announced within thirty days after the public identification of the site prescribed in subdivision (1) of this section.

If the date chosen for the special election is less than thirty days before a general or primary election, the special election shall be held on the same date as the general or primary election.

The ballots from the special election shall be certified to the county board of the county in which the proposed site is located.

The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund.".

2. On page 1, line 8, strike "5, 6, and 14 to 17" and insert "3, 7, 8, and 16 to 19".

3. On page 2, line 6, strike "5" and insert "7".

4. On page 7, line 7, strike "15" and insert "17".

5. On page 22, line 9, after the last comma insert "81-1579,".

6. Renumber the remaining sections accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1630

(Amendments to the E and R amendments, AM7064)

1. Insert the following new section:

"Sec. 2. (1) To ensure that the citizens of a county in which the proposed low-level radioactive waste disposal site is located are actively and voluntarily involved in the siting process, the developer shall take the following measures prior to submitting an application for a facility:

(a) Provide written notification to the Governor, Legislature, department, and county board of the county in which the proposed site is located and publish a notice in at least one newspaper with general circulation in the county identifying the proposed site. 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; and

(b) Not more than sixty days after the county board receives such notice, a special election shall be held in such county for the purpose of determining whether a low-level radioactive waste facility should be built on the proposed site in the county.

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 specifically between the sites. Any registered voter who is a resident of such county may vote on the question. If less than a majority of such registered voters voting on the question for a given site vote to approve the site, the application for a license for a facility at such site shall be denied, except that the application may be reconsidered and the license granted under the conditions of subsection (2) of this section.

The special election shall be called by the county board of the county in which the proposed site is located, and the date for such election shall be publicly announced within thirty days after the public identification of the site prescribed in subsection (1) of this section.

If the date chosen for the special election is

less than thirty days before a general or primary election, the special election shall be held on the same date as the general or primary election.

The ballots from the special election shall be certified to the county board of the county in which the proposed site is located.

The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund.

(2) If the special elections provided for under subsection (1) of this section have been held in five separate counties, each election has resulted in a rejection of the site proposed, and the application for each site is denied, the director may reconsider such applications and grant a license to construct the facility without regard to subdivision (1)(b) of this section. Such applications must meet all other provisions of the Low-Level Radioactive Waste Disposal Act.".

2. On page 1, line 8, strike "5, 6, and 14 to 17" and insert "2, 6, 7, and 15 to 18".

3. On page 2, line 6, strike "5" and insert "6".

4. On page 7, line 7, strike "15" and insert "16".

5. On page 10, after line 16 insert the following new subsection:

"(7) Voter rejection of a proposed site shall not obligate a local monitoring committee to return funds received under the Low-Level Radioactive Waste Disposal Act.".

6. Renumber the remaining sections accordingly.

PRESIDENT NICHOL PRESIDING

ANNOUNCEMENT

The Chair announced today is Senator Robak's birthday.

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Hall offered the following amendment:
FA205

PURPOSE: Provide a 10% increase ($456,000) in state aid for substance abuse programs.
AMENDMENT:

On page 61, line 25, strike "7,821,087" and insert "8,277,087" and strike "7,835,185" and insert "8,291,185".

On page 62, line 2, strike "11,014,304" and insert "11,470,304" and strike "10,843,116" and insert "11,299,116". In lines 9 and 13, strike "4,564,469" and insert "5,020,469".

On page 76, line 1, strike "75,485,854" and insert "75,941,854" and strike "77,722,912" and insert "78,178,912". In line 4, strike "119,226,549" and insert "119,682,549" and strike "120,770,230" and insert "121,226,230".

Mr. R. Johnson 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 26 ayes, 0 nays, and 23 not voting.

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 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Hall and Withem withdrew their pending amendment, FA200, found in the Journal on page 1983.

Mr. Bernard-Stevens renewed his pending amendment, FA193, found in the Journal on page 1943.

Mr. Haberman offered the following amendment to the pending Bernard-Stevens amendment:
FA206

that one field service office be located in a community of 5,000 or less in population

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens 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 Haberman amendment was adopted with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Scofield offered the following amendment to the pending Bernard-Stevens amendment:
AM1686

(Amendments to FA193)

1. In amendment 2 after the semicolon insert "and after line 2 insert

'The Legislature finds and declares:

(1) That there currently exists geographic areas of the state which are isolated from the mainstream of state government and do not have access to economic development services; and

(2) That the availability of economic development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and in the creation of new businesses.

In response to the needs of small, isolated communities the Department of Economic Development shall establish field offices in the communities of Ainsworth, Ord, and Red Cloud.';".

Mr. Korshoj 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 Scofield amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were Judge Vernon H. Heiliger from Sidney, Iowa and Roy Pester and family from Lincoln; 12 fourth grade

students and sponsor from Bethany Christian School, Omaha; 25 fourth grade students and teacher from Raymond Central; 45 sixth grade students and teachers from Masters Elementary School, Omaha; 43 fifth grade students and sponsor from Sacred Heart, Norfolk; five seventh grade students and sponsor from Lindsay; 14 seventh and eighth grade students and teachers from Elba; 23 seventh grade students, a foreign exchange student from Brazil, a foreign exchange student from Columbia, and teachers from Emerson Hubbard School, Emerson; 53 sixth grade students and teachers from Masters Elementary School, Omaha; 31 fourth grade students and sponsors from Prairie Lane and Sunset Hills Elementary Schools, Omaha; and 50 students and sponsor from Lefler Junior High School, Lincoln.

RECESS

At 12:04 p.m., on a motion by Mr. Wesely, 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 Mmes. Beck, Crosby, Messrs. Byars, Goodrich, Lamb, and Moore who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM1673

(Amendments to Final Reading copy)

1. On page 3, lines 6 and 7; page 4, line 18; and page 14, lines 8 and 9, strike "or a probation officer".

2. On page 5, line 17, strike the comma and insert "or"; in line 18 strike beginning with the comma through "plan"; and in line 19 strike "or probation officer's".

3. On page 14, strike beginning with "The" in

9 line 12 through the period in line 14.

MESSAGE FROM THE GOVERNOR

May 4, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 606, 681, 78, 646, 262, 591, and 591A were received in my office on May 2, 1989.

These bills were signed by me on May 4, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 110. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study whether the State of Nebraska should regulate organic growers by enforcing product certification standards or whether such regulation should be carried out by the international Organic Crop Improvement Association to guarantee the quality of organic products through certification procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 111. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to evaluate the procedures for establishing a special protection area under the Nebraska Ground Water Management and Protection Act, sections 47-656 to 46-674 and sections 46-674.02 to 46-674.20. The study will examine procedures in the act:

(1.) Generally, for their workability and effectiveness; and

(2.) Specifically, for their relationship to the proposed administration by the state of the Federal Insecticide, Fungicide, and Rodenticide Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 112. Introduced by Baack, 47th District.

PURPOSE: Federal regulations require handicapped students to be educated as close to the child's home as possible. The purpose of this resolution is to look at the feasibility of educating all handicapped children in their resident school district. The opportunity to grow and learn with family members and neighborhood friends is important to the social and emotional development of handicapped students. If handicapped students are not allowed to attend their resident school, a message is sent to communities that children with disabilities are different and therefore must go to a different school.

The study shall include, but not be limited to, the following issues:

1. The number of qualified teachers in highly specialized areas, such as for students who are hearing impaired or have visual handicaps or behavioral disorders;

2. Access to difficult-to-obtain related service providers, such as physical and occupational therapists;

3. The number of students that would be affected;

4. Whether all types of handicapping conditions would benefit from this requirement;

5. The magnitude and depth of parental sentiment and concern; and

6. The program costs under the current system, including transportation and contracting, compared with the estimated costs for services if provided at resident school districts.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113. Introduced by Barrett, 39th District.

PURPOSE: At the suggestion of Nebraska citizens involved in the New Horizons process, LB 409 was introduced to promote the use of vacant space in public buildings for small business incubators. Incubators have proven successful in a variety of settings as a means of developing local economies, an issue critical to Nebraska's future.

The intent of this study is to examine in detail the mechanism set forth in LB 409 to ensure its most efficient and effective operation upon enactment.

The study shall include, but not be limited to:

1. A review of the process for designating space for incubators, including the roles and responsibilities of the various affected parties;

2. Case studies of successful incubators within and outside Nebraska to determine strengths and weaknesses of various incubator models; and

3. The impact of successful business incubators on other existing businesses in the community.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study the feasibility of implementing a job training program for individuals receiving unemployment compensation.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115. Introduced by Baack, 47th District.

WHEREAS, the year 1989 marks one hundred years since the vote to separate from Cheyenne County and form Banner County became effective; and

WHEREAS, Banner County has been and will continue to be an outstanding county; and

WHEREAS, Banner County consists of four hundred seventy-seven thousand, two hundred ninety-six acres, all of which are agricultural in nature, and includes the unincorporated village of Harrisburg; and

WHEREAS, the residents of Banner County are proud of their school system which was the first countywide consolidated school in the state; and

WHEREAS, many scenic areas, including Wildcat Hills State Park and a portion of the Buffalo Gap Recreation Area, are located in Banner County; and

WHEREAS, June 4 has been designated as the formal day of celebration and observation of the centennial of Banner County; and

WHEREAS, the residents of Banner County deserve special recognition as they celebrate their centennial.

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

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Banner County successful.

2. That the Legislature extends its best wishes to the current residents of Banner County who will carry on the traditions and heritage of the county.

3. That a copy of this resolution be sent to the residents of Banner County in care of Larry Stoddard, Parade Chairperson.

Laid over.

COMMUNICATION

Received letters from US Ecology advising the Legislature of the location of three sites for a low-level radioactive waste disposal facility as specifically required by Nebraska Title 194-Rules and Regulations for Disposal of Low-Level Radioactive Waste, Chapter 3, paragraph 001.02.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA207
to amend FA193 to add the following new section:
"4. For purposes of amendment FA193, the Department shall contract with the Nebraska Business Development Centers to provide additional staff and economic development services through existing offices."

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA208
to amend the Scofield amendment, AM1686
strike lines 13-16, and add

In response to the needs of small, isolated communities the Department of Economic Development shall establish the 4 branch offices in towns 5,000 to less

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to add his name, at the request of the Governor, as co-introducer to LB 84. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 330.

A BILL FOR AN ACT relating to domestic matters; to amend sections 29-404.02, 29-422, 42-357, 42-901, 42-903, 42-905, 42-924 to 42-926, and 43-532, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to arrests; to define and redefine terms; to provide an additional support service; to change provisions relating to protection orders as prescribed; to change penalties; to excuse certain costs as prescribed; to provide for construction of certain sections; 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	Dierks	Johnson, R.	McFarland	Schimek
Ashford	Elmer	Korshoj	Moore	Scofield
Barrett	Goodrich	Kristensen	Morrissey	Smith
Bernard-Stevens	Haberman	Labedz	Nelson	Warner
	Hall	Landis	Peterson	Wehrbein
Beyer	Hannibal	Langford	Pirsch	Weihing
Chizek	Hartnett	Lindsay	Robak	Wesely
Conway	Hefner	Lynch	Schellpeper	Withem
Coordsen	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 4:

Baack	Chambers	Rogers	Schmit

Excused and not voting, 4:

Beck	Byars	Crosby	Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 325.

A BILL FOR AN ACT relating to environmental protection; to adopt the Degradable Products 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, 45:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morrissey	Smith
Beck	Goodrich	Kristensen	Nelson	Warner
Bernard-Stevens	Haberman	Labedz	Peterson	Wehrbein
	Hall	Landis	Pirsch	Weihing
Beyer	Hannibal	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Schellpeper	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 3:

Byars	Crosby	Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 811. 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, 46:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Landis	Pirsch	Weihing
Beyer	Hall	Langford	Robak	Wesely
Chambers	Hannibal	Lindsay	Schellpeper	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 2:

Byars Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 812 to Select File

Mr. Hall moved to return LB 812 to Select File for the following specific amendment:
FA209

To amend LB-812. Final Reading copy, by striking Section 8, as found on p. 6 & 7 of the bill

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks 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 pending motion to return.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 812

Mr. Withem asked unanimous consent to bracket LB 812 until May 8, 1989. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb, Byars, Barrett, Chizek, Moore, Landis, and Hall asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

(Amendments to Final Reading copy)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1672.)

ATTORNEY GENERAL'S OPINION

Opinion No. 89043

DATE: May 4, 1989

SUBJECT: Deficit appropriation bill

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

In your letter of inquiry you state that section 11 of LB 812 proposes to revise an appropriation of $750,000, made by the Legislature in 1988 as an overmatch to the State Student Incentive Grant Program, #299. You also state in your letter of inquiry that this money has already been distributed to institutions by the Coordinating Commission and further, the program to which funds would be appropriated does not yet exist. You then ask several constitutional questions.

LB 1041 of the Ninetieth Legislature, Second Session (1988) appropriated $750,000 from the General Fund for FY 88-89 to the Coordinating Commission for Postsecondary Education for Program 299 (SSIG). Section 11 of LB 812 of the Ninety-first Legislature, First Session (1989) states, in part, "There is hereby appropriated $750,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska Coordinating Commission for Postsecondary Education, for Program ~~299~~ 298 - Scholarship Assistance Program, for state student grants-in-aid, which shall only be used for such purpose. * * *. It is intended that all funds in Programs 298 and 299 be allocated based on the distribution of federal need-based grants."

Obviously, the current budget program is 299 whereas 298 does not yet exist. In connection therewith, a distinction must be drawn between a budget program (an accounting convention) and a "program" required to be created in substantive law, i.e., a program in a functional sense "that delineates a role, purpose, or scope of activity." With this distinction in mind, it appears to us that section 11 of LB 812 does create a new statutory program of service. In other words, LB 812 changes the current language on the purpose, amount and, expenditure of the currently-appropriated funds, and directs they be accounted for in two separate programs. That, in our opinion, does raise constitutional questions. Accordingly, we see constitutional problems with section 11 of LB 812.

Section 11 does not add new money to a current program of service, to wit program 299, section 45 of LB 1041. Section 11 of LB 812 changes current program obligations, and creates program 298 Scholarship assistance program for budget purposes prior to passage of LB 468 first session 91 Legislature.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-65-2
cc: Patrick J. O'Donnell

Clerk of the Legislature

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 330.

(Signed) Sharon Beck

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Ashford offered the following amendment:
FA210
On page 2 line 8 after "mean" insert The one parent, and strike beginning with "Both" in line 8 through the "," in line 12

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 330, 325, and 811.

GENERAL FILE

LEGISLATIVE BILL 769. The pending Ashford amendment, FA210, was renewed.

Messrs. Hall and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on the Ashford amendment.

Voting in the affirmative, 32:

Abboud	Chizek	Elmer	Kristensen	Lindsay
Ashford	Conway	Hannibal	Labedz	Nelson
Beck	Coordsen	Hartnett	Lamb	Peterson
Beyer	Crosby	Johnson, L.	Landis	Pirsch
Byars	Dierks	Johnson, R.	Langford	Robak

Rogers	Scofield	Wehrbein	Weihing	Wesely
Schmit	Smith			

Voting in the negative, 4:

Baack	Bernard-Stevens	Chambers	Morrissey

Present and not voting, 10:

Barrett	Haberman	Korshoj	McFarland	Schimek
Goodrich	Hefner	Lynch	Moore	Withem

Excused and not voting, 3:

Hall	Schellpeper	Warner

The Ashford amendment was adopted with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1989, at 3:05 p.m., were the following bills: 330, 325, and 811.

(Signed) Randy Tippin, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Introduced by Withem, 14th District.

PURPOSE: The Legislature recognizes its importance and commitment to the citizens of this state when it undertakes the responsibility of enacting legislation which governs the State of Nebraska. The Nebraska Unicameral was originally founded on the premise of a citizens' Legislature. Therefor individual senators are expected to balance both legislative demands and maintain additional employment when not in regular session. Irrespective of the geographic limitations placed on senators residing in the western regions of our state, requirements of the Legislature compel senators to be present each day during the regular session each year.

The purpose of this resolution is to study the feasibility of adopting a rule which would limit the work week to four session days for conducting the business of the Legislature. The additional day of the work week would allow each senator to work on his or her legislation and constituent concerns and to attend to the necessities of private business. Currently many legislative hours are lost due to other responsibilities which have to be balanced with the legislative calendar. The study shall include, but not be limited to:

(1) The possibility of extending the legislative calendar due to the adoption of the work week proposed in this resolution;

(2) An examination of the legislative operations of other states in relation to their respective legislative calendars; and

(3) The amount of time that has been lost because of absence during the session.

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

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 117. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to evaluate the accomplishments of the agriculture promotion and development program in the Department of Agriculture and agribusiness development through various programs of the Department of Economic Development.

The study shall assess whether the funding and agency powers for these programs are adequate for the purposes intended to be accomplished.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 118. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to assess the future of the Nebraska College of Technical Agriculture at Curtis if Kearney State College becomes part of the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 119. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this study is to evaluate the ability of the state laboratory to meet livestock disease, feed and agricultural chemical, seed, dairy and food, and ground water testing demands imposed by state and federal laws or made by producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 120. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this study is to evaluate the benefits of the Employment Expansion and Investment Incentive Act and the Employment and Investment Growth Act for rural areas and small communities in Nebraska. The study should examine whether the acts have encouraged the location of new businesses, the retention of existing businesses, and the creation and expansion of new jobs in the rural areas and small communities in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 121. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to evaluate the agricultural lending program of the Nebraska Investment Finance Authority. Since its inception in 1983, NIFA has made a total of five hundred twenty-five agricultural loans worth thirty-six million dollars. However, NIFA's agricultural lending has dropped to fourteen loans in 1987 and eleven loans in 1988. When coupled with the problems of the Farm Credit System of Omaha and the Farmers Home Administration, a need to assess state financing activity is warranted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

(Amendments to Final Reading copy)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1168.)

Mr. Landis asked unanimous consent to print the following amendment to LB 323 in the Journal. No objections. So ordered.

AM1654

(Amendments to Final Reading copy)

1. Strike section 4.

2. On page 1, line 9, strike beginning with the first "to" through the semicolon.

3. On page 2, line 6, after "optometrist" insert "and having graduated from an accredited optometry school after the effective date of this act"; in line 9 before the semicolon insert "and satisfactorily complete the educational requirements set forth in section 71-1,135.02"; in line 12 strike "(a)"; strike beginning with "or" in line 16 through "perform" in line 18; and in line 25 strike "sections 1 and 4" and insert "section 1".

4. On page 4, line 25, after "71-1,133" insert "for applicants who have graduated from an accredited optometry school after such date".

5. Renumber remaining sections accordingly.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Lindsay offered the following amendment:
FA211

1. On page 5, lines 22 and 23. strike the original language and insert the following: "Sec. 9 (1) Any person who knowingly performs an abortion in violation of this act shall be guilty of a Class I misdemeanor."

2. Add "Sec. 11 Original section 28-347 is repealed."

Mr. Chambers offered the following amendment to the pending Lindsay amendment:
FA212
In line 3, after "knowingly", insert "and intentionally".

The Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the pending Lindsay amendment:
FA213
strike "class I" misdemeanor and insert "class III" misdemeanor.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 24 ayes, 0 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the pending Lindsay amendment:
FA214
Page 5, after line 21, insert "(4) This section shall not apply when an emergency situation exists such that continuation of the pregnancy provides an immediate threat or grave risk to the life or health of the pregnant minor and the attending physician so certifies by affidavit"

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. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Conway	Korshoj	Nelson	Smith
Baack	Coordsen	Landis	Pirsch	Warner
Bernard-Stevens	Elmer	Lynch	Schimek	Wesely
Chambers	Haberman	Morrissey	Scofield	Withem
	Hannibal			

Voting in the negative, 24:

Abboud	Crosby	Johnson, L.	Lindsay	Rogers
Beck	Dierks	Kristensen	McFarland	Schmit
Beyer	Goodrich	Labedz	Moore	Wehrbein
Byars	Hartnett	Lamb	Peterson	Weihing
Chizek	Hefner	Langford	Robak	

Present and not voting, 2:

Barrett Hall

Excused and not voting, 2:

Johnson, R. Schellpeper

The Chambers amendment lost with 21 ayes, 24 nays, 2 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 656. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1677.)

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM1690

(Amendments to AM1512)

1. Strike section 4.

2. Renumber the remaining sections accordingly.

Mr. Hall and Mrs. Smith asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

(Amendments to the E and R amendments, AM7063)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1624.)

Mr. Hall asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1682

(Amendments to AM1624)

1. On page 9, line 24, strike "Except in cities of the metropolitan or".

2. On page 10, line 1, strike the new matter and reinstate the stricken matter; and in lines 17 through 20 strike the new matter.

Mr. Lamb asked unanimous consent to print the following amendment to LB 84A in the Journal. No objections. So ordered.

AM1701

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $98,100,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the Department of Revenue, for Program 109, to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1687

1. On page 147, after line 24 insert:

"Notwithstanding any prior legislative exactment, rule, or regulation to the contrary, it is the intent of the Legislature that the funds appropriated in this subsection shall be used to provide grants or loans to a public purpose program or entity (a) which has as its public purpose the development of ethanol or the use of feed grains and wheat for such development, (b) which is a nonprofit corporation or a public entity, and (c) which impacts most directly and beneficially the persons and entities who paid the tax that created the ethanol fund in the first instance, namely the estimated fifty thousand feed grain and wheat farmers and entities in the state which contributed to the checkoff fund. Specifically, the Ethanol Authority and Development Board shall not use the funds appropriated in this subsection, either directly, indirectly, or through any artifice or scheme, for any private, profit corporation since such use may conflict with the Constitution of Nebraska and would not fulfill the public purpose goals outlined in this subsection or be the best use of such funds in the first instance. A scheme to provide money to a public entity with an arrangement or scheme for the public entity to then make grants or loans to a private entity would be an example of a violation of the intent of the Legislature in this subsection.".

Mr. Chizek asked unanimous consent to print the following amendment to LB 211 in the Journal. No objections. So ordered.

AM1696

1. On page 2, line 7, strike "murder", show

as stricken, and insert "homicide as described in sections 28-303, 28-304, and 28-305".

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Bernard-Stevens requested a division of the question on the pending Lindsay amendment, FA211.

The Chair sustained the division of the question.

The first Lindsay amendment is as follows:
FA215
1. On page 5, lines 22 and 23. strike the original language and insert the following: "Sec. 9 (1) Any person who knowingly performs an abortion in violation of this act shall be guilty of a Class I misdemeanor."

Mr. Chambers offered the following amendment to the pending Lindsay amendment:
FA217
in line 2, strike "person" and insert "physician or attending physician"

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Chizek, Morrissey, Schmit, Conway, Hartnett, Korshoj, Hall, Rogers, Bernard-Stevens, Lindsay, Byars, Weihing, Ashford, Dierks, Peterson, R. Johnson, Beyer, Baack, McFarland, Lynch, Kristensen, Mmes. Smith, Robak, Labedz, and Ms. Schimek asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendment, AM0812)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1154.)

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Norris School, Firth; 38 seventh grade students and teachers from St. Paul; 52 fourth grade students and sponsors from Willard Elementary School, York; 38 fourth and fifth grade students and

sponsor from Bellwood Elementary School, Bellwood; and 20 sixth grade students and sponsor from Sandhills Public School.

MOTION - Adjournment

Ms. Scofield moved to adjourn until 8:00 a.m., Friday, May 5, 1989. The motion prevailed with 18 ayes, 14 nays, 15 present and not voting, and 2 excused and not voting, and at 5:07 p.m., the Legislature adjourned until 8:00 a.m., Friday, May 5, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 5, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 5, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Anderson Kwankin, St. James United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hall, Lindsay, McFarland, Withem, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

PRESIDENT NICHOL PRESIDING

MOTION - Reconsider Action on LB 813

Mr. Byars moved to reconsider the Scofield amendment, AM1686, to the Bernard-Stevens amendment on LB 813.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Byars moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Mr. Byars requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 27:

Ashford	Coordsen	Hartnett	Moore	Schmit
Bernard-Stevens	Crosby	Hefner	Peterson	Smith
Byars	Elmer	Johnson, L.	Robak	Warner
Chizek	Goodrich	Johnson, R.	Schellpeper	Wehrbein
Conway	Haberman	Langford	Schimek	Weihing
	Hannibal	Lynch		

Voting in the negative, 12:

Baack	Korshoj	Landis	Nelson	Scofield
Barrett	Kristensen	Morrissey	Rogers	Wesely
Dierks	Lamb			

Present and not voting, 2:

Beyer	Chambers

Excused and not voting, 8:

Abboud	Hall	Lindsay	Pirsch	Withem
Beck	Labedz	McFarland		

The Byars motion to reconsider prevailed with 27 ayes, 12 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced today is Senator Hannibal's birthday.

GENERAL FILE

LEGISLATIVE BILL 813. The Scofield amendment, AM1686, found in the Journal on page 2087, to the pending Bernard-Stevens amendment, FA193, was reconsidered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Baack	Johnson, R.	Lamb	Nelson	Scofield
Barrett	Korshoj	Landis	Rogers	Smith
Dierks	Kristensen	Lynch	Schimek	Wesely
Hartnett	Labedz	Morrissey		

Voting in the negative, 22:

Beck	Chizek	Goodrich	Moore	Schmit
Bernard-Stevens	Conway	Hannibal	Peterson	Warner
	Coordsen	Hefner	Robak	Wehrbein
Beyer	Crosby	Johnson, L.	Schellpeper	Weihing
Byars	Elmer	Langford		

Present and not voting, 4:

Ashford	Chambers	Haberman	Lindsay

Excused and not voting, 5:

Abboud	Hall	McFarland	Pirsch	Withem

The Scofield amendment lost with 18 ayes, 22 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to replace his pending amendment, FA207, found in the Journal on page 2093, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, FA207.

Mr. Wesely offered the following substitute amendment to the pending Bernard-Stevens amendment:
FA218

Strike beginning with the word "four" in line 1 through the word "in" in line 2, and add the following new section:

"For purposes of amendment FA193, the Department shall contract with the Nebraska Business Development Centers to provide additional staff and economic development services through existing offices".

Mr. Bernard-Stevens requested a ruling of the Chair on whether the Wesely amendment is germane to the pending Bernard-Stevens amendment.

The Chair ruled the Wesely amendment is germane to the Bernard-Stevens amendment.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chizek 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 12 ayes, 1 nay, and 36 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack	Conway	Korshoj	Nelson	Smith
Barrett	Dierks	Landis	Schimek	Wesely
Chambers	Hall	Morrissey	Scofield	Withem

Voting in the negative, 22:

Beck	Coordsen	Johnson, L.	Langford	Rogers
Bernard-Stevens	Crosby	Johnson, R.	Moore	Schellpeper
	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Labedz	Robak	Weihing
Byars	Hefner	Lamb		

Present and not voting, 6:

Hannibal	Lindsay	Lynch	Schmit	Warner
Hartnett				

Absent and not voting, 2:

Ashford	Haberman

Excused and not voting, 4:

Abboud	Chizek	McFarland	Pirsch

The Wesely amendment lost with 15 ayes, 22 nays, 6 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens withdrew his pending amendment, FA208, found in the Journal on page 2093.

Mr. Conway offered the following amendment to the pending Bernard-Stevens amendment:
FA219

To provide $235,000 each year for four new field offices in the Department of Economic Development. Such offices shall be located on site at the four primary rural sites of the existing Nebraska Business Development Centers of Chadron, Kearney, Peru and Wayne.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Conway moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack	Hartnett	Labedz	Nelson	Smith
Conway	Korshoj	Landis	Schimek	Wesely
Hall	Kristensen	Morrissey	Scofield	Withem

Voting in the negative, 20:

Beck	Coordsen	Hefner	Langford	Schmit
Bernard-Stevens	Crosby	Johnson, L.	Moore	Warner
Beyer	Elmer	Johnson, R.	Peterson	Wehrbein
Byars	Haberman	Lamb	Schellpeper	Weihing

Present and not voting, 12:

Ashford	Chizek	Hannibal	Lynch	Robak
Barrett	Dierks	Lindsay	Pirsch	Rogers
Chambers	Goodrich			

Excused and not voting, 2:

Abboud	McFarland

The Conway amendment lost with 15 ayes, 20 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The pending Bernard-Stevens amendment, FA193, as amended, found in the Journal on page 1943 and considered on page 2086, was renewed.

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.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Ashford	Chizek	Hefner	Lynch	Rogers
Beck	Coordsen	Johnson, L.	McFarland	Schellpeper
Bernard-Stevens	Crosby	Johnson, R.	Moore	Schmit
Beyer	Elmer	Kristensen	Peterson	Wehrbein
Byars	Goodrich	Lamb	Robak	Weihing
	Haberman	Langford		

Voting in the negative, 13:

Baack	Labedz	Morrissey	Scofield	Wesely
Barrett	Landis	Nelson	Smith	Withem
Korshoj	Lindsay	Schimek		

Present and not voting, 8:

Chambers	Dierks	Hannibal	Pirsch	Warner
Conway	Hall	Hartnett		

Excused and not voting, 1:

Abboud

The Bernard-Stevens amendment, as amended, was adopted with 27 ayes, 13 nays, 8 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb, Barrett, Hall, Moore, Byars, Landis, and Chizek asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

(Amendments to Final Reading copy)
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1711.)

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 4, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Radcliffe, Walter/Tews & Radcliffe	
Radcliffe, Walter H. - Lincoln	Citicorp Mortgage, Inc.
	Midwest Capital Group, Inc.
Rasmussen, Dennis - Lincoln	Association of Independent Colleges & Universities of Nebraska, Inc.
Recknor, John F. - Lincoln	Nebraska School Improvement Association

GENERAL FILE

LEGISLATIVE BILL 813. Mr. Schmit renewed his pending amendment, AM1687, found in the Journal on page 2108.

Mr. Schmit withdrew his pending amendment.

Mr. Schmit offered the following amendment:
AM1709

1. Insert the following new section:

"Sec. 94. It is the intent of the Legislature that up to $20,000,000 from the Cash Reserve Fund be pledged as a source for future state appropriations to match federal, local, or private funds in the construction of water impoundment or ground water recharge projects.".

2. Renumber the remaining sections and correct internal references accordingly.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Schmit withdrew his pending amendment.

Messrs. Coordsen and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Mr. Bernard-Stevens withdrew his pending amendment, AM1577, found in the Journal on page 1946.

Messrs. Coordsen, Rogers, Dierks, R. Johnson, Kristensen, Elmer, and Morrissey renewed their pending amendment, AM1633, found in the Journal on page 2025.

Messrs. Schmit and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

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.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Dierks requested a roll call vote on the Coordsen et al. amendment.

Voting in the affirmative, 19:

Bernard-Stevens	Elmer	Kristensen	Morrissey	Smith
Crosby	Goodrich	Labedz	Nelson	Wehrbein
Dierks	Haberman	Lamb	Rogers	Weihing
	Hefner	McFarland	Schellpeper	Wesely

Voting in the negative, 23:

Abboud	Beyer	Hannibal	Langford	Schimek
Ashford	Byars	Hartnett	Lindsay	Scofield
Baack	Chambers	Johnson, L.	Moore	Warner
Barrett	Conway	Korshoj	Pirsch	Withem
Beck	Hall	Landis		

Present and not voting, 3:

Chizek	Johnson, R.	Peterson

Excused and not voting, 4:

Coordsen	Lynch	Robak	Schmit

The Coordsen et al. amendment lost with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 122. Introduced by Hefner, 19th District; Baack, 47th District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to study state and federal rules and regulations governing underground and aboveground petroleum storage tanks. The study shall include a review of:

(1) The economic hardships smaller communities may experience because of the burdens small businesses have in complying with the rules and regulations;

(2) The least expensive alternative controls which could be implemented while still insuring safety; and

(3) The effects of the rules and regulations on agricultural commerce and the transportation industry.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 514A. Introduced by Schimek, 27th District; Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, Ninety-first Legislature, First Session, 1989.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

FA220

On page 165, line 25, insert the following new language.

"There is included in the appropriation to this program $235,000 each year for four new field offices in the Department of Economic Development. These four offices shall be located on site with the four Nebraska Development Centers located at Chadron, Kearney, Peru and Wayne

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 588. Placed on Select File as amended.
(E and R amendments printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7067.)

(Signed) John C. Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 27 eighth grade students and teacher from Bassett Public School; 30 fourth grade students and teachers from St. Columbkille School, Papillion; 52 fourth grade students and teachers from Walt Disney Elementary School, Millard; six first and second grade students, teacher, and aide from Farnam Public School; four students and sponsor from Shelton High School; Shawn and Lori Zutavern from Dunning; Rosemary, Karissa, Marshall, Kevin, Mary, and Austin Reinsch; and 40 fourth grade students and teacher from Emerson-Hubbard, Emerson.

RECESS

At 12:03 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Mr. Conway presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Schellpeper, and Mrs. Labedz who were excused until they arrive.

SPEAKER BARRETT PRESIDING

REPORT

Received from the Department of Health the rules and regulations (Title 178, Chapter 22) implementing Nebraska's Asbestos Control Program.

MOTION - Bracket LB 84

Mr. Haberman moved to bracket LB 84 on final reading until May 10th.

Mr. Haberman withdrew his motion to bracket.

MOTION - Return LB 84 to Select File

Mr. Conway moved to return LB 84 to Select File for his specific amendment, AM1557, found in the Journal on page 1929.

Mr. Conway withdrew his motion to return.

Mr. Conway moved to return LB 84 to Select File for the Conway-Haberman specific amendment, AM1570, found in the Journal on page 1935.

Mr. Conway withdrew his motion to return.

WITHDRAW - Amendments to LB 84

Mr. Conway withdrew his pending amendment, AM1655, found in the Journal on page 2067, to LB 84.

Messrs. Lamb, Byars, Barrett, Chizek, Moore, Landis, and Hall withdrew their pending amendment, AM1672, printed separately from the Journal and referred to on page 2097, to LB 84.

MOTION - Return LB 84 to Select File

Messrs. Lamb, Barrett, Hall, Moore, Byars, Landis, and Chizek moved to return LB 84 to Select File for their specific amendment, AM1711, printed separately from the Journal and referred to on page 2117.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Lamb et al. motion to return prevailed with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

MOTION - Bracket LB 84

Mr. McFarland moved to bracket LB 84 until May 8, 1989.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Hefner requested a record vote on the McFarland motion to bracket.

Voting in the affirmative, 8:

Chambers	McFarland	Nelson	Schimek	Wesely
Haberman	Morrissey	Pirsch		

Voting in the negative, 32:

Abboud	Conway	Hefner	Landis	Scofield
Ashford	Coordsen	Johnson, L.	Lindsay	Smith
Barrett	Crosby	Korshoj	Lynch	Warner
Beck	Dierks	Kristensen	Moore	Wehrbein
Beyer	Elmer	Labedz	Robak	Weihing
Byars	Goodrich	Lamb	Schellpeper	Withem
Chizek	Hall			

Present and not voting, 7:

Baack	Bernard-Stevens	Hannibal	Langford	Rogers
		Hartnett	Peterson	

Excused and not voting, 2:

Johnson, R. Schmit

The McFarland motion to bracket lost with 8 ayes, 32 nays, 7 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hartnett and Korshoj asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1700

1. On page 7, strike lines 14 through 18.

2. On page 9, strike beginning with "$330,000" in line 12 through "and" in line 13; and strike line 16 and insert "appropriated".

3. Strike original sections 18, 19, 20, and 21.

4. Strike original section 26.

5. Strike original section 29.

6.a. Strike original sections 34, 36, 37, 38, 39, and 40;

b. On page 22, line 25, strike "1990" and insert "1991"; and

c. On page 23, strike lines 1 through 10.

7. Strike original section 47.

8. Strike original section 48.

9. Strike original sections 49 and 50.

10. Strike original section 51.

11. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 123. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study the abuse of anabolic steroids by Nebraska high school and college youth. The study shall include a determination of: (1) The extent of the abuse

of anabolic steroids; (2) the identity of persons or groups who supply and distribute anabolic steroids illegally in the state; (3) the location or locations where illegally distributed anabolic steroids are obtained; (4) the most effective statutory controls; (5) appropriate penalties for the various kinds of illegal activity; and (6) how to control abuse of anabolic steroids without interfering with the legitimate medical and veterinary use of anabolic steroids.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124. Introduced by Beyer, 3rd District.

PURPOSE: The purposes of this interim study resolution are: To determine the need for legislation to amend the Mobile Home Landlord and Tenant Act and other statutes relating to mobile home parks to require owners and landlords of mobile home parks to provide for the health and safety of all residents; to study the feasibility of requiring all mobile home parks to build civil defense approved storm shelters which are readily accessible to all residents; and to study the necessity of requiring the Department of Health to monitor and establish minimum standards for water pressure and water quality in mobile home parks.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to study statutes relating to the regulation of auctioneers in Nebraska to determine if changes in our procedures are necessary and, if so, whether such changes should include licensure of auctioneers. The study should also investigate the procedures used in other states for the regulation of auctioneers and determine the best methods to be used for reciprocity for nonresident auctioneers.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; L. Johnson, 15th District; Langford, 36th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

PURPOSE: The Medicare Catastrophic Coverage Act passed by Congress in 1988 contains a technical amendment clarifying medicaid reimbursement for covered educationally related services. The amendment provides that medicaid can pay for related services furnished to a medicaid-eligible handicapped infant, toddler, or child if such services are included in an individual educational plan. Such related services include speech-language pathology, audiology, occupational and physical therapy, psychological services, and case management and medical services for diagnostic and evaluation purposes.

This resolution is introduced to study the feasibility of utilizing federal medicaid funds to pay sixty percent of the cost of educationally related services for medicaid-eligible handicapped children. The study shall include, but not be limited to, an examination of the following issues:

(1) The dollars currently allocated in Nebraska for educationally related services for medicaid-eligible handicapped children;

(2) The methods and procedures established by other states to obtain medicaid funding for services for handicapped children;

(3) The benefits or detriments to the state and local service providers of accessing medicaid funds for special education services;

(4) The effects on third-party payors such as insurance companies if medicaid funds are used; and

(5) The projected impact on the total array of services provided to handicapped children of obtaining the medicaid funds for related services.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Appropriations Committee may create a task force composed of individuals representing state agencies, school districts, special education providers, parents, medical professionals, mental health professionals, insurance companies, and any other persons to provide assistance in the study.

3. That the Appropriations Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1688.)

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 817. Placed on General File.

(Signed) Dennis Baack, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89044

DATE: May 5, 1989

SUBJECT: Nebraska Education Data Center

REQUESTED BY: Senator Sharon Beck
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

If enacted into operative law, LB 744 of the Ninety-first Legislature, First Session (1989), would create the Nebraska Education Data Center. Section 4 thereof establishes the Education Data Advisory Committee and section 5 imposes on that committee the duty to establish a plan to improve the education data system for elementary and secondary education and to report by March 1, 1990, its findings and a plan. You have asked several questions which pertain to LB 744, each of which are hereinafter stated and discussed.

Is there a state law that deals with the exchange of data - personal, test scores, etc.?

Subject to the limitations stated in Neb.Rev.Stat. §§79-4,157 and 79-4,158 (Reissue 1987), "{a} copy of a public or private school's files or records concerning a student shall be provided at no charge, upon request, to any public or private school to which the student transfers." Neb.Rev.Stat. §79-4,157.01 (Reissue 1987). We also call your attention to section 5 of LB 744, as amended on May 3, 1989, which states: "All data on individual students generated pursuant to this act, including data on individual student's academic performance, shall be kept private and confidential and shall be subject to section 79-4,157 and the General Education Provisions Act, 20 U.S.C. 1232(g) through (i) and all other provisions of state and federal laws insuring the privacy and confidentiality of information on students." See, page 2050 of the Legislative Journal of the Ninety-First Legislature, First Session (1989).

Does state law address the electronic exchange of student information?

There is no such law.

Would LB 744 mandate the collection of information on students whose parents have elected, pursuant to subdivision (5) of section 79-328 and subsections (2) through (4) of section 79-1701, not to comply with state requirements for accreditation or approval due to sincerely held religious beliefs?

No. See section 4 of LB 744, as amended on May 3, 1989, and reported at page 2050 of the Legislative Journal of the Ninety-First Legislature, First Session (1989).

If Nebraska were to develop a data collection system based on the National Assessment of Educational Progress test, would not the federal government control the curriculum in our public schools? Stated somewhat differently, you cannot compare apples and oranges - each child would need to be taught from the same curriculum in order for a valid comparison to be made and if the curriculum in the public schools is based on a federally funded assessment program, then is the federal government exercising control over our curriculum?

We find nothing in LB 744 which mandates the use of any specific test. Consequently, we cannot answer your question.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

20-66-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 89045

DATE: May 4, 1989

SUBJECT: Proposed Amendment AM 1397 to the Low-Level Radioactive Waste Act

REQUESTED BY: Senator M. L. Dierks, District No. 40
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired whether AM 1397's proposed system of seeking local approval while limiting the number of elections conflicts with provisions of the Central Interstate Low-Level Radioactive Waste Compact. It is our determination that this method of requiring a vote for approval but limiting the number of elections does not conflict with the provisions of the Compact. However, we feel compelled to note that what you have proposed may affect the state's relationship with the Compact and the developer in other ways.

Federal regulations, 42 U.S.C.A. 2021e(d)(2)(B)(iii), require that the Compact regions certify to the Nuclear Regulatory Commission

by January 1, 1990, that the Compact region will be capable of providing for, and will provide for, the storage, disposal, or management of any low-level radioactive waste generated within the Compact after December 31, 1982. Subsection (C) of the same regulation sets a deadline of January 1, 1993, for a Compact region to be able to provide for the disposal of low-level waste generated within the Compact region. If all three sites currently identified as potential sites reject the facility, there is no assurance that an additional two sites will even be identified by January 1, 1990. Federal regulations are clear that the states will lose access to existing sites for the disposal of low-level radioactive waste on January 1, 1993.

If voters in all three of the counties with currently identified sites veto placement within their county, a delay would result while additional testing and negotiations are conducted by the developer to identify two additional sites to satisfy AM 1397. If the siting and voting process involves such additional time that federally mandated deadlines are not met, the Compact Commission or the federal government may view the delay as unreasonable and seek to impose penalties against Nebraska for the delay. Penalties imposed would undoubtedly include the cost incurred by other Compact states for disposal of their low-level waste until such time as a facility is ready to accept the waste within the Compact region.

Placing additional conditions on the developer at this time may also affect the contract between the developer and the Compact Commission. Currently the contract provides that the developer must indemnify the Compact if a deadline is not met due to the developer's fault. If compliance with AM 1347 requires additional time, the developer may arguably be excused from the indemnity clause because of conditions created by the state. Additional contract concerns may be raised by the developer if the county approving the facility does not contain the site considered by the developer to be the least threatening to the health and safety of the general population of the area, state, and Compact region.

Again, it is our opinion that AM 1397 does not violate the Compact conditions. However, there are other concerns inherent in the Compact, federal laws, and the contract with the developer which may be affected by the passage of this amendment. It is impossible at this stage to determine whether the passage of the amendment would affect the Compact agreement, the contract with the developer, or the state's obligations under federal law. We have presented some of the potential problems which might arise. We do not represent that these concerns are all inclusive of the potential problems which may arise when performance conditions are changed at this stage nor do

we represent that all or any of these problems would necessarily arise if the amendment were passed. We present this only as questions to be considered by the legislators.

You have also inquired whether the State Director of Environmental Control could issue a license to the developer to site the facility notwithstanding the enactment into law of any of the local approval provisions proposed in AM 1397. It is our conclusion that, based on the conditions contained in AM 1397, the Director would be unable to issue a license to a developer prior to either approval by a local county or the requisite veto by five counties.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-01-14.1
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 84. The pending Lamb et al. amendment, AM1711, printed separately from the Journal and referred to on page 2117, was considered.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Lamb et al. amendment was adopted with 35 ayes, 6 nays, 6 present and not voting, and 2 excused and not voting.

Mmes. Labedz and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper 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. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud	Chizek	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Barrett	Coordsen	Johnson, L.	Moore	Scofield
Beck	Crosby	Johnson, R.	Nelson	Smith
Bernard-Stevens	Elmer	Korshoj	Peterson	Wehrbein
	Goodrich	Kristensen	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	Withem
Byars	Hall	Landis		

Voting in the negative, 5:

Chambers	McFarland	Morrissey	Schimek	Wesely

Present and not voting, 3:

Baack	Hannibal	Langford

Excused and not voting, 4:

Dierks	Labedz	Schmit	Warner

Advanced to E & R for Re-Engrossment with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

PRESIDENT NICHOL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 84 to Select File

Mr. Chambers moved to return LB 84 to Select File for the following specific amendment:
FA221

In AM1711, strike lines 19, 20 on page one - and line one on page 2.

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. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 8:

Baack	Bernard-Stevens	Chambers	Landis	Lindsay	McFarland	Schimek	Wesely

Voting in the negative, 24:

Abboud	Coordsen	Hefner	Moore	Schellpeper
Beck	Crosby	Johnson, L.	Nelson	Smith
Beyer	Elmer	Johnson, R.	Peterson	Wehrbein
Byars	Haberman	Kristensen	Pirsch	Weihing
Chizek	Hall	Lamb	Robak	

Present and not voting, 13:

Ashford	Goodrich	Korshoj	Morrissey	Scofield
Barrett	Hannibal	Langford	Rogers	Withem
Conway	Hartnett	Lynch		

Excused and not voting, 4:

Dierks	Labedz	Schmit	Warner

The Chambers motion to return lost with 8 ayes, 24 nays, 13 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.

Mr. Chambers moved to return LB 84 to Select File for the following specific amendment:
FA222

In amendment AM1711, Page 2, line 2, strike the comma and the words "except motor vehicle valuations,"

Mr. Beyer 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 requested a record vote on his motion to return.

Voting in the affirmative, 8:

Bernard-Stevens	Chambers	Lindsay	Pirsch	Wesely
	Korshoj	McFarland	Schimek	

Voting in the negative, 24:

Abboud	Chizek	Hall	Lamb	Scofield
Baack	Conway	Hartnett	Landis	Smith
Beck	Coordsen	Hefner	Moore	Weihing
Beyer	Crosby	Johnson, L.	Nelson	Withem
Byars	Elmer	Kristensen	Peterson	

Present and not voting, 12:

Ashford	Haberman	Lynch	Robak	Schellpeper
Barrett	Hannibal	Morrissey	Rogers	Wehrbein
Goodrich	Langford			

Excused and not voting, 5:

Dierks	Johnson, R.	Labedz	Schmit	Warner

The Chambers motion to return lost with 8 ayes, 24 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved to return LB 84 to Select File for the following specific amendment:
AM1708

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, commencing July 1, 1989, the rate of the sales tax levied pursuant to section 77-2703 shall be three percent. After June 30, 1990, the rate of the sales tax levied pursuant to section 77-2703 shall be four percent.

Sec. 2. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike lines 2 through 11 and insert "section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943; to decrease the sales tax rate as prescribed; to repeal the original section; and to declare an emergency.".

3. On page 2, strike lines 1 through 3.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mrs. Smith 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 25 ayes, 0 nays, and 24 not voting.

The Wesely motion to return lost with 5 ayes, 26 nays, 11 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 127. Introduced by Conway, 17th District.

PURPOSE: The purpose of this resolution shall be to study the state's highway system and the proposed construction needs of the system. The study shall include an in-depth analysis of the following:

(1) The national need for connecting the missing links in the National System of Interstate and Defense Highways, including national defense needs and the need for access to the nation's largest cities and all three coasts;

(2) The regional need for connecting with the major cities in each adjacent state and with the major urban areas of the Central United States, including reviewing planned and proposed four-lane routes in adjacent states;

(3) The state need for connecting our cities to each other and to our cities of the primary class and metropolitan class;

(4) A comparison of current routes versus the concepts proposed in Legislative Bill 576, Ninety-first Legislature, First Session, 1989, including:

(a) The origin and destination for subdivisions (1) through (3) of section 3 of such legislative bill, including comparison of mileage;

(b) The effect on economic development and expansion; and

(c) The effect on the travel and tourism industry;

(5) Physical needs, including:

(a) The ability of the current highway system to handle expansion, such as an increase in the number of lanes and the addition of interchanges; and

(b) The loss of expressways as a city expands;

(6) Savings, including time and money, which could be achieved by:

(a) Modification in the design of highways;

(b) Avoiding duplication; and

(c) Constructing shorter distances of highways at a time;

(7) Cost comparison of the state's current highway system versus the proposals embodied in Legislative Bill 576, including:

(a) Comparing the cost of an expressway, shoulders, and surfacing versus an interstate with no surfacing for twenty years;

(b) Comparing the receipt of a fixed amount of federal funds and federal-state matching funds; and

(c) Reviewing the short-range and long-range availability of federal funds and the requirements for such eligibility;

(8) Sources of revenue and affordability;

(9) The possibility of maintaining separate funds for expressway and interstate construction to ensure construction, scheduling, completion, and accountability;

(10) The establishment of time sequences, including sequences for planning, layout, design, construction, funding, and cash flow; and

(11) Recommendations for the most efficient and economically feasible highway system which will attract the maximum amount of traffic into or through Nebraska and will serve all Nebraskans, so those traveling the highway system may obtain supplies, transport products, enhance commerce, and promote tourism to and from all areas of the United States and overseas.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

3. That the Executive Board of the Legislative Council shall provide the necessary resources to effectively carry out the goals and purpose of this resolution.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128. Introduced by Conway, 17th District; Baack, 47th District.

WHEREAS, the Legislature has not recently done a thorough study of all matters concerning veterans, veterans' affairs, veterans' needs, and the proper levels of involvement and participation by state government in meeting the needs of veterans; and

WHEREAS, as time passes veterans of World War II are moving and have moved into their senior citizen years and may require more services from state government or alterations in the way services are provided; and

WHEREAS, the Legislature has seen fit to designate a separate committee of the Legislature to specifically deal with matters affecting all veterans in Nebraska, namely the Government, Military and Veterans Affairs Committee; and

WHEREAS, it is the expressed desire of all veterans' groups recognized by the state to have as their first priority, as identified by a unanimous vote of the Nebraska Veterans Council in December 1988 and again in February 1989, a comprehensive and in-depth study of all matters affecting veterans, such study to be conducted by the Government, Military and Veterans Affairs Committee of the Legislature.

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

That a comprehensive and in-depth study as outlined in this resolution be conducted by the Government, Military and Veterans Affairs Committee.

Referred to the Executive Board.

MOTION - Return LB 84 to Select File

Mr. Wesely moved to return LB 84 to Select File for the following specific amendment:
AM1706

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. Each resident individual taxpayer who had an income tax liability to the state for 1987, who filed an income tax return on the liability, and who had a household income of forty thousand dollars or less on the return shall receive a one-time income tax rebate of two hundred thirty dollars. The Tax Commissioner shall prescribe the manner of distribution of the rebate.

For purposes of this section, household income shall mean the total Nebraska adjusted gross income as defined in section 77-2714.01 of the resident individual taxpayer and his or her spouse.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "amend" in line 1 through line 11 and insert "provide a one-time income tax rebate as prescribed; and to declare an emergency.".

3. On page 2, strike lines 1 through 3.

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.

The Wesely motion to return lost with 4 ayes, 26 nays, 13 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 129. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to examine possible improvements in Nebraska's insurance statutes in order to provide

better administration of the laws and greater protection of consumers.

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

1. That 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 130. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to consider proposals for amendments to Legislative Bill 100, Ninety-first Legislature, First Session, 1989, which is held in committee and proposes enactment of a new Article 2A, regarding leases of goods, to the Uniform Commercial Code. The committee should consider any other proposals for changes in Nebraska's laws on the subject of commerce. The committee should solicit the input of interested citizens and organizations for the preparation of possible amendments.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to consider proposals for amendments to Legislative Bill 624, Ninety-first Legislature, First Session, 1989, which is held in committee and proposes enactment of the Uniform Unclaimed Property Act. The committee should solicit the input of interested citizens and organizations for the preparation of possible amendments.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 84 to Select File

Mr. Wesely moved to return LB 84 to Select File for the following specific amendment:

(Amendments to Final Reading copy)

(Amendment on file in the Clerk's Office - Room 2018 - AM1707.)

Mr. Lamb 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. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely requested a record vote on his motion to return.

Voting in the affirmative, 5:

Abboud	Chambers	Korshoj	Schimek	Wesely

Voting in the negative, 24:

Baack	Bernard-Stevens	Chizek	Goodrich	Langford
Barrett	Beyer	Coordsen	Johnson, L.	Moore
Beck	Byars	Crosby	Kristensen	Nelson
		Elmer	Lamb	Peterson

Robak	Scofield	Warner	Wehrbein	Withem
Rogers				

Present and not voting, 13:

Conway	Hall	Landis	McFarland	Schellpeper
Dierks	Hannibal	Lindsay	Morrissey	Weihing
Haberman	Hartnett	Lynch		

Excused and not voting, 7:

Ashford	Johnson, R.	Pirsch	Schmit	Smith
Hefner	Labedz			

The Wesely motion to return lost with 5 ayes, 24 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Conway moved to return LB 84 to Select File for the following specific amendment:
FA223

(Amendments to Final Reading copy)

1. Strike original section 21 and insert the following new section:

"Sec. 21. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

Mrs. Beck asked unanimous consent to be excused. 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.

SPEAKER BARRETT PRESIDING

The Conway motion to return lost with 13 ayes, 21 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Warner moved to return LB 84 to Select File for the following specific amendment:
FA224

Amend AM1711
On page 2 Sec 3 line 4 strike "eight and one-half" and insert "five"

Mr. Landis and Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner withdrew his motion to return.

MOTION - Return LB 84A to Select File

Mr. Lamb moved to return LB 84A to Select File for his specific amendment, AM1701, found in the Journal on page 2107.

The Lamb motion to return prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 84A. The Lamb specific amendment, AM1701, found in the Journal on page 2107, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

VISITORS

Visitors to the Chamber were ten students and sponsor from Beatrice Junior High School; 32 sixth grade students and sponsors from Kenesaw Elementary School; 90 fourth grade students and teachers from Carriage Hill School, Papillion; 24 fifth through eighth grade students from Creston Public School; 28 first and second grade students and teachers from Kopecky Montessori School, Omaha; seven seventh and eighth grade students and teacher from Arthur; 30 fifth grade students and teacher from Creighton Community School; 21 fourth grade students and teacher from Beaver City; and 14 eighth grade students and sponsor from St. Rose, Crofton.

ADJOURNMENT

At 5:12 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Monday, May 8, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 8, 1989

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 8, 1989

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. John Dale, Christian Churches of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Morrissey who was excused; and Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Chizek, Conway, Goodrich, Hall, R. Johnson, McFarland, Schmit, Warner, Mmes. Labedz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Eighth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 103. Read. Considered.

LR 103 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 182A. 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: 105.

GENERAL FILE

LEGISLATIVE BILL 769. The pending Chambers amendment, FA217, found in the Journal on page 2109, to the pending Lindsay amendment, was renewed.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 11 ayes, 1 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Barrett	Coordsen	Hartnett	Lamb	Robak
Beck	Crosby	Hefner	Langford	Rogers
Bernard-Stevens	Dierks	Johnson, L.	Lindsay	Schellpeper
Beyer	Elmer	Korshoj	Moore	Schmit
Byars	Goodrich	Kristensen	Peterson	Wehrbein
Conway	Hall	Labedz	Pirsch	Withem

Voting in the negative, 5:

Chambers	Johnson, R.	Landis	Lynch	Wesely

Present and not voting, 9:

Ashford	Haberman	Nelson	Scofield	Weihing
Baack	Hannibal	Schimek	Warner	

Excused and not voting, 5:

Abboud	Chizek	McFarland	Morrissey	Smith

The motion to cease debate prevailed with 30 ayes, 5 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Chambers amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The pending Lindsay amendment, FA215, as amended, found in the Journal on page 2109, was renewed.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Abboud	Dierks	Hefner	Langford	Robak
Barrett	Elmer	Johnson, L.	Lindsay	Rogers
Beck	Goodrich	Kristensen	Moore	Schellpeper
Beyer	Hall	Labedz	Peterson	Schmit
Coordsen	Hartnett	Lamb	Pirsch	Wehrbein
Crosby				

Voting in the negative, 6:

Chambers	Landis	Schimek	Warner	Weihing
Johnson, R.				

Present and not voting, 13:

Ashford	Bernard-Stevens	Conway	Korshoj	Scofield
Baack	Byars	Haberman	Lynch	Wesely
		Hannibal	Nelson	Withem

Excused and not voting, 4:

Chizek	McFarland	Morrissey	Smith

The motion to cease debate prevailed with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

The Lindsay amendment, as amended, was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The second Lindsay amendment is as follows:
FA216
2. Add "Sec. 11 Original section 28-347 is repealed."

Mr. Lindsay withdrew his pending amendment.

Mr. Bernard-Stevens requested a ruling of the Chair on whether the second Lindsay amendment, FA216, can be withdrawn after the adoption of the Lindsay amendment, FA215, as amended.

Messrs. Warner and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair ruled the second Lindsay amendment, FA216, can be withdrawn.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 10:

Ashford	Bernard-	Chambers	Landis	Moore
Baack	Stevens	Korshoj	Lynch	Schimek
				Withem

Voting in the negative, 29:

Abboud	Dierks	Hefner	Lindsay	Schellpeper
Barrett	Elmer	Johnson, L.	Nelson	Schmit
Beck	Goodrich	Kristensen	Peterson	Wehrbein
Beyer	Hall	Labedz	Pirsch	Weihing
Byars	Hannibal	Lamb	Robak	Wesely
Crosby	Hartnett	Langford	Rogers	

Present and not voting, 4:

Conway	Coordsen	Haberman	Scofield

Excused and not voting, 6:

Chizek	McFarland	Morrissey	Smith	Warner
Johnson, R.				

The motion to overrule the Chair lost with 10 ayes, 29 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Rogers moved to reconsider the Labedz motion, found in the Journal on page 2066, to suspend the rules and vote on the advancement of LB 769 without further amendment or debate.

Mr. Bernard-Stevens raised a point of order on whether the Rogers motion to reconsider was timely filed and offered for consideration.

The Chair ruled the Rogers motion was timely filed and offered for consideration.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

SPEAKER BARRETT PRESIDING

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. Bernard-Stevens withdrew his motion to overrule the Chair.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1427

1. In the Standing Committee amendments, AM1035, on page 2, strike beginning with the first comma in line 3 through line 4 and insert "appoint such counsel if she is not already represented by counsel.".

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1736

1. In the Standing Committee amendments, AM1035, on page 1, line 6, after "upon" insert "affidavit sworn by the pregnant woman or upon".

Mr. Ashford asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1735

1. On page 2, line 22, strike "forty-eight" and insert "twenty-four".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1723

(Amendments to AM7064)

1. Insert the following new section:

"Sec. 17. Within thirty days after the effective date of this act the developer shall establish a fund for each local monitoring committee to be used to provide counseling and stress consultation services for persons who reside within counties that are under active consideration to host the facility and who have need for such services due to the possible siting of the facility within their county. The local monitoring committee shall contract for such services. The developer shall provide six thousand five hundred dollars for each local monitoring committee each year for such services until

the committee ceases to exist or until the facility has been in operation for three years. Any amount remaining in a fund not needed for such services shall be returned to the developer.".

2. On page 1, line 8, strike "17" and insert "18".

3. On page 8, after line 18 insert the following new subsection:

"(4) No member of a local monitoring committee shall be liable in any civil action for damages resulting from his or her acts of commission or omission arising out of and in the course of his or her rendering any services as such member in good faith. This section shall not grant immunity for the operation of a motor vehicle in connection with such services or to any member causing damages by willful and wanton acts of commission or omission."; and in line 19 strike "(4)" and insert "(5)".

4. On page 9, line 20, strike "(5)" and insert "(6)".

5. On page 10, line 12, strike "(6)" and insert "(7)".

6. On page 13, line 10, strike "(4)" and insert "(5)"; and in line 14 strike "(5)" and insert "(6)".

7. On page 14, line 18, strike "(4) and (5)", show the old matter as stricken, and insert "(5) and (6)".

8. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 132. Introduced by Landis, 46th District; Scofield, 49th District; Baack, 47th District; Withem, 14th District; Barrett, 39th District; Hall, 7th District; Byars, 30th District; Schimek, 27th District; Lynch, 13th District; Hannibal, 4th District; Crosby, 29th District.

PURPOSE: The Select Committee on Children and Families, in its participation in the process to implement the family policy objectives, has identified the need to develop prevention and early intervention programs for at-risk children as well as the need to establish programs in locations accessible to children such as the schools.

These needs have been further identified as priorities by the more than two thousand Nebraska citizens who have participated in the New Horizons process. The Legislature recognizes that an increasing number of Nebraska's children are at risk of experiencing serious problems by virtue of their family circumstances. These children may be growing up in poverty, may be the children of children, may have undiagnosed learning disabilities, emotional problems, or physical handicaps, or may simply be living in a family that is unresponsive to the child's needs. Children at risk are more likely to abuse drugs and alcohol, become pregnant while still a teen, become involved in the juvenile justice system, drop out of school, experience severe emotional disturbances, or commit suicide.

The Legislature recognizes the implications of failing to address the needs of these children and further recognizes that to succeed in helping children at risk, early and sustained intervention in the lives of at-risk children, in the context of the family, the community, and the school, is the only means of assuring these children a brighter future.

The study shall include, but not be limited to, an analysis of the following issues:

(1) A minimum level of prevention and early intervention services that should be available statewide to at-risk children;

(2) Recommendations for coordinating and providing those services to children in accessible locations such as schools;

(3) Recommendations for affixing responsibility at the state level for providing the identified services; and

(4) Recommendations for funding the identified services.

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

1. That the Select Committee on Children and Families, the Education Committee, and 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 committees involve representation from the state's child-serving agencies, including the Department of Health, the Department of Public Institutions, the Department of Social Services, and the State Department of Education, and interested members of the public.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133. Introduced by Landis, 46th District; Scofield, 49th District; Baack, 47th District; Hall, 7th District; Barrett, 39th District; Withem, 14th District; Byars, 30th District; Schimek, 27th District; Coordsen, 32nd District; Lynch, 13th District; Hannibal, 4th District; Crosby, 29th District;

WHEREAS, the Family Policy Act, passed by the Legislature in 1987, requires that the state develop methods to coordinate services and resources for children and families; and

WHEREAS, services for children and families in the State of Nebraska are divided among six state agencies; and

WHEREAS, most children and families in need of services have multiple needs requiring intervention by more than one agency; and

WHEREAS, federal programs, such as the Child and Adolescent Service System Program, CASSP, in the Department of Public Institutions and the Education of the Handicapped Act, Public Law 99-457, administered by the State Department of Education, require agencies to define ways to work together to better serve the needs of multineed children; and

WHEREAS, agency roles and responsibilities in serving children and families are frequently unclear which results in services that are fragmented or completely lacking; and

WHEREAS, to work together effectively, the respective roles and responsibilities of state agencies in serving children and families both in relation to each other and in relation to local communities and private providers must be defined.

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

1. That the Select Committee on Children and Families, created pursuant to Legislative Resolution 393 in 1986, conduct a study to define the respective roles and responsibilities of the child-serving agencies, and report back to the Legislature by December 1, 1989.

2. That the select committee will involve in the study the Departments of Public Institutions, Social Services, Correctional Services, and Health, the Governor's Policy Research Office, and the State Department of Education.

3. That the select committee will solicit recommendations regarding agency roles and responsibilities from interested members of the public, including service providers and schools.

4. That the select committee will develop a process for disseminating the recommendations from the public and the state agencies and receive comments.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study liability limits for volunteer and professional rescue squad personnel, emergency medical technicians, firefighters, and law enforcement officers. The study shall include a review of good samaritan immunity standards and the possibility of making the standards for emergency health and safety personnel internally consistent and logical so that such standards promote their general purpose of encouraging public service.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 31 sixth grade students and teachers from Morton School, Hastings; Barney Ingram from California, Bill Williams from Philadelphia, Pennsylvania, Alison Peck, Jennifer Martin, and Rachel Easton from North Platte; and Representatives of Cooperative Extension, Leo Lucas, Phil Rzewnicki, Virginia Gobeli, Kenneth Schmidt, and Richard Fleming from Lincoln.

MOTION - Recess

Mrs. Labedz moved to recess until 1:30 p.m. The motion prevailed with 18 ayes, 17 nays, 9 present and not voting, and 5 excused and not voting, and at 12:04 p.m, 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. Kristensen who was excused; and Messrs. Ashford, Chambers, Chizek, R. Johnson, Lamb, McFarland, Morrissey, Schmit, and Withem who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 814. Messrs. Hartnett and Korshoj asked unanimous consent to replace their pending amendment, AM1700, found in the Journal on page 2124, with a substitute amendment. No objections. So ordered.

Messrs. Hartnett and Korshoj withdrew their pending amendment, AM1700, found in the Journal on page 2124.

Messrs. Hartnett and Korshoj offered the following substitute amendment:
AM1729

1. On page 7, strike lines 14 through 18.

2. On page 9, strike beginning with "$330,000" in line 12 through "and" in line 13; and strike line 16 and insert "appropriated".

3. Strike original sections 18, 19, 20, and 21.

4. Strike original section 25.

5. Strike original section 29.

6.a. Strike original sections 34, 36, 37, 38, 39, and 40;

b. On page 22, line 25, strike "1990" and insert "1991"; and

c. On page 23, strike lines 1 through 10.

7. Strike original section 47.

8. Strike original section 48.

9. Strike original sections 49 and 50.

10. Strike original section 51.

11. Renumber remaining sections accordingly.

SPEAKER BARRETT PRESIDING

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall requested a division of the question on the Hartnett-Korshoj amendment.

The Chair sustained the division of the question.

The first Hartnett-Korshoj amendment is as follows:
FA225
On page 7, strike lines 14 through 18.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The first Hartnett-Korshoj amendment lost with 2 ayes, 25 nays, 17 present and not voting, and 5 excused and not voting.

The second Hartnett-Korshoj amendment is as follows:
FA226
On page 9, strike beginning with "$330,000" in line 12 through "and" in line 13; and strike line 16 and insert "appropriated".

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The second Hartnett-Korshoj amendment lost with 10 ayes, 20 nays, 14 present and not voting, and 5 excused and not voting.

The third Hartnett-Korshoj amendment is as follows:
FA227
Strike original section 18.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 12 nays, and 26 not voting.

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.

The third Hartnett-Korshoj amendment lost with 2 ayes, 23 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

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.

Kenney D. Allred - Motor Vehicle Industry Licensing Board

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers, Schellpeper. Voting nay: None. Not voting: None.

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.

Ronald K. Woodle - Board of Public Roads Classifications & Standards

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers, Schellpeper. Voting nay: None. Not voting: None.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud and Mrs. Smith asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1739

(Amendments to AM7063)

1. Insert the following new section:

"Sec. 69. No lottery shall be conducted between the hours of 1:00 a.m. and 6:00 a.m.".

2. On page 49, line 6, strike "68" and insert "69".

3. On page 86, line 18, strike "71" and insert "72"; and in line 20 strike "69 and 72" and insert "70 and 73".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 135. Introduced by Ashford, 6th District.

PURPOSE: The purpose of this resolution is to examine bidding practices and antitrust provisions in the delivery of health care delivery services as the Legislature tries to ensure quality health care and products that are available and affordable for the consumer and the State of Nebraska. Such study shall specifically review whether bidding procedures for ancillary health care services, fulfilled by pharmacies and other health care participants, violate any antitrust provisions or would require additional legislation allowing the Department of Insurance and the Attorney General more guidance and control to ensure equal and fair bidding policies of all health insurance organizations.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The Judiciary Committee shall invite the chairpersons of the Health and Human Services and the Banking and Insurance committees to join in the study.

3. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Baack, 47th District.

PURPOSE: The purpose of this resolution is to study the Nebraska Building Energy Conservation Standard and the Building Energy Conservation Standards Board established pursuant to sections 81-1608 to 81-1626 to determine what, if any, legislative changes are needed. The study should examine the policy of adopting a particular code in state statute and the effectiveness of the board and the need for a code oversight board. Finally, the study should examine the need to adopt an energy efficiency rating system for new and existing housing.

The Nebraska Building Energy Conservation Standard was adopted in 1981 and updated in 1982 and 1983. The standard is the Model Energy Code, 1983 Edition, of the Council of American Building Officials. Nebraska's code was adopted to provide for the development and implementation of minimum statewide lighting and thermal efficiency standards for buildings, to promote energy efficiency, to provide for the public health, safety, and welfare, and to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976.

Nebraska is one of only four states currently using the Model Energy Code, 1983 Edition. The code was updated in 1986 but the newer version was never adopted by Nebraska. Altogether eleven codes and numerous variations of these codes are used across the country. Most states have adopted their own energy code based on one or more of the most widely used codes.

Energy building codes are changing rapidly to keep pace with changing technology in the building industry. Congress is currently considering legislation which would increase building standards through a variety of methods. Options include a nationwide building code, an energy efficiency rating system for new and existing housing, and incentive programs for builders, utilities, and mortgage lenders. Actions on the federal level will require coordination and integration into Nebraska's process.

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

1. That the Government, Military, and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study, with the assistance of the Nebraska Energy Office, 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 137. Introduced by Smith, 33rd District.

WHEREAS, the Nebraska Legislature has established the New Horizons project to identify initiatives the state should pursue as it looks toward the future; and

WHEREAS, one area of concern identified was the issue of at-risk youths who are prone to alcohol abuse and the problems that follow from the abuse, including other substance abuse, home and family problems, problems at school, and problems with the law; and

WHEREAS, the state regulates the consumption of liquor to protect the public health and welfare from the devastating effects of liquor; and

WHEREAS, the Legislature should review the liquor laws in the state to ensure that they work to protect at-risk youths and are adequate to do the job.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138. Introduced by Smith, 33rd District.

WHEREAS, the state has recently completed its experiment with intrastate simulcasting and made it a regular function of licensed horseracing tracks able to obtain the required contracts; and

WHEREAS, the voters of the state recently approved an amendment to the Constitution of Nebraska to allow for interstate simulcasting; and

WHEREAS, the Ninety-first Legislature, First Session, passed LB 591 which implemented the will of the voters to allow interstate simulcasting; and

WHEREAS, the state should be aware of the impact of all forms of simulcasting on the citizens of the state, the licensed horseracing tracks in the state, the horse breeders in the state, the horsepersons at the tracks in the state, and other affected persons; and

WHEREAS, such information would be of assistance to state policy makers.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Smith, 33rd District.

WHEREAS, Public Law 100-497, the Indian Gaming Regulatory Act, has been adopted as federal law; and

WHEREAS, such act requires the State of Nebraska to engage in good faith negotiations with Indian tribes located within the state for the purpose of arriving at a compact governing certain types of gambling activities on tribal lands; and

WHEREAS, the Governor's office assisted by the Attorney General's office, has been engaging in such good faith negotiations for the purposes of entering into compacts and offering such compacts to the Legislature for ratification; and

WHEREAS, the Legislature is supportive of engaging in negotiations with Indian tribes located in the state in good faith pursuant to federal law; and

WHEREAS, the Legislature, in anticipation of fulfilling its duties in good faith, desires to have sufficient information concerning the federal law, the negotiations, the complex issues involved in such negotiations, and the impact of the federal law on gambling in the state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by Smith, 33rd District.

WHEREAS, the Nebraska Liquor Control Act has been amended several times over the past fifty years; and

WHEREAS, the act may contain out-of-date language, references, and usage; and

WHEREAS, the technical structure of the act has not been modernized or updated to ensure ease of usage; and

WHEREAS, such updating of the technical structure of the act without affecting the substantial provisions of the act would be desirable.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by Smith, 33rd District.

WHEREAS, the tourism industry is one of the largest segments of the Nebraska business sector; and

WHEREAS, travel and tourism help bring outside dollars into Nebraska, creating a gain in capital; and

WHEREAS, some tourist sites in Nebraska are outdoors or involve outdoor activity; and

WHEREAS, visitors to such attractions may wish to consume alcoholic beverages that they bring to the attractions or activities themselves; and

WHEREAS, current state law prohibits such consumption without a liquor license; and

WHEREAS, those laws should be reviewed to see that there are adequate options for tourist attractions to be fully utilized without compromising the purposes of state regulation of liquor consumption as expressed in the Nebraska Liquor Control Act.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142. Introduced by Smith, 33rd District.

WHEREAS, all levels of government have an obligation to keep the public apprised of the current business of the government, including actions that may impact directly on the citizens, and of the time and location of various public meetings and other official proceedings; and

WHEREAS, such notices of governmental business and proceedings are generally published in a newspaper and paid for by the governmental unit required to post the notice; and

WHEREAS, the over-all cost to the governmental units of posting multiple or lengthy notices is of concern; and

WHEREAS, the notice requirements in current statute should be reviewed to make sure they are adequate without being burdensome.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Hartnett, 45th District; Beck, 8th District; Hall, 7th District; Labedz, 5th District;

PURPOSE:

WHEREAS, state regulation of gambling in Nebraska is necessary to ensure fairness, accountability, and compliance with the law; and

WHEREAS, participation in various forms of gambling has the potential to expand in Nebraska; and

WHEREAS, section 2 of Laws 1988, LB 1232, codified as section 9-1,102, Reissue Revised Statutes of Nebraska, 1943, requires that on or before January 1, 1991, there shall be established a commission to be known as the Gaming Commission, the purpose of which shall be to regulate all gambling activity authorized by the laws of the State of Nebraska; and

WHEREAS, legislation must be developed for introduction in the Second Session of the Ninety-first Legislature to establish the structure of the Gaming Commission.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Landis, 46th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to examine issues associated with the Comprehensive Health Insurance Pool, CHIP, program in Nebraska.

The Comprehensive Health Insurance Pool has been operational for two years and participation has been higher than projected. During the current rate setting by the Comprehensive Health Insurance Pool Board of Directors, a number of concerns have been raised.

The study shall include, but not be limited to, the following issues:

(1) The financial status of the CHIP;

(2) Utilization of the CHIP and projected utilization;

(3) Cost containment measures for the CHIP;

(4) The rate setting methodology for CHIP premiums;

(5) Current funding for the pool and the sources of such funds;

(6) Alternative funding sources;

(7) Need for changes in federal laws, rules, and regulations which affect in a negative manner the viability of the CHIP program;

(8) Management of the CHIP program;

(9) Eligibility for membership;

(10) Comparison of CHIP programs in other states; and

(11) Coordination with other state programs.

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

1. That the Health and Human Services Committee and 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 committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Ashford, 6th District.

PURPOSE: The purpose of this resolution is to authorize an interim study on the need for legislation to require a waiting period, for purposes of sales of handguns and assault weapons, between the request to purchase and completion of the sale. The study shall include, but not be limited to, similar statutes in other jurisdictions, a study of reasons for and against such waiting periods, and any other issues the committee deems appropriate and necessary to complete the study.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to study the need for legislation which would eliminate or regulate collision or loss damage waivers sold by car rental companies and other issues related to

financial responsibility for the operation of motor vehicles in this state.

The study shall include a review of:

(1) The total elimination of the sale of collision or loss damage waivers by car rental companies as proposed by LB 59, Ninety-first Legislature, First Session; and

(2) A review of financial responsibility requirements currently provided for by Chapter 60, article 5, of the Nebraska statutes.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to study issues related to the titling, registration, and operation of motor vehicles. The study shall include a review of:

(1) Chapter 60, article 1, of the Nebraska statutes related to the titling of motor vehicles with emphasis on statutory changes which will be required due to the federal Truth in Mileage Act.

(2) Chapter 60, article 3, of the Nebraska statutes relating to the registration of motor vehicles; and

(3) The Nebraska Rules of the Road.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to study the implementation of the minimum federal requirements of the licensure of operators of commercial motor vehicles as proposed by LB 285, Ninety-first Legislature, First Session.

The study shall include a review of:

(1) The mandatory minimum requirements for licensure of operators of commercial motor vehicles created by the Commercial Motor Vehicle Safety Act of 1986;

(2) The effect such requirements will have upon school bus drivers who operate school buses designed to transport sixteen or more passengers; and

(3) The advantages and disadvantages of allowing counties the option of providing joint regional commercial drivers license examination facilities.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 814. The fourth Hartnett-Korshoj amendment is as follows:

FA228

Strike original section 19.

Mrs. Robak and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Chambers requested a roll call vote on the Hartnett-Korshoj amendment.

Voting in the affirmative, 22:

Baack	Chambers	Hall	Nelson	Rogers
Beck	Conway	Hartnett	Peterson	Schellpeper
Bernard-Stevens	Coordsen	Korshoj	Pirsch	Smith
Beyer	Crosby	Lamb	Robak	Withem
	Haberman	Lindsay		

Voting in the negative, 19:

Abboud	Dierks	Hefner	Langford	Wehrbein
Ashford	Elmer	Johnson, L.	Moore	Weihing
Barrett	Goodrich	Labedz	Scofield	Wesely
Byars	Hannibal	Landis	Warner	

Present and not voting, 1:

Schimek

Excused and not voting, 7:

Chizek	Kristensen	McFarland	Morrissey	Schmit
Johnson, R.	Lynch			

The fourth Hartnett-Korshoj amendment lost with 22 ayes, 19 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 89046

DATE: May 8, 1989

SUBJECT: Constitutionality of LB 323 if amended by proposed amendment AM 1654

REQUESTED BY: Senator David Landis
Nebraska State Legislature

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

You have asked whether the text of LB 323 on final reading would be constitutional if amended by proposed amendment AM 1654. We have concluded it would be, as discussed below.

After LB 131 was enacted in 1986, expanding the scope of practice for optometrists and classifying licensees, we pointed out several constitutional problems in the areas of equal protection, privileges and immunities and delegation. See, Attorney General Opinion #86061 (August 8, 1986). Those problems were later corrected. See, Attorney General Opinion #87040 (March 25, 1987).

Now LB 323 is before you as additional amendments regarding the licensing of optometrists. It appears to have constitutional problems similar to those discussed in Attorney General Opinion #86061.

We have reviewed your proposed amendments to LB 323 in AM1654. We have concluded that your proposed amendments adequately address the constitutional problems in the bill. Therefore, if LB 323 is amended, as you propose, we think it will be constitutional.

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

16-265-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 149. Introduced by Kristensen, 37th District.

PURPOSE: The purpose of this resolution is to authorize an interim study to conduct a general review of Nebraska statutes relating to divorce. There has not been a general review of such statutes for several years, and this study should include, but not be limited to, (1) the system of interlocutory and final decrees and the need, if any, for

extension or contraction of the current six-month waiting period between the entry of the two types of decrees, (2) the use of child custody officers to review custody matters in divorce cases and make recommendation to the court, and (3) any other matters contained in Nebraska divorce statutes which the committee believes are necessary and appropriate to include in the study to carry out the purposes of this resolution.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 814. The fifth Hartnett-Korshoj amendment is as follows:

FA229

Strike original section 20.

Messrs. Withem and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mrs. Langford 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. Moore requested a record vote on the Hartnett-Korshoj amendment.

Voting in the affirmative, 18:

Baack	Chambers	Hall	Lynch	Rogers
Bernard-Stevens	Conway	Hartnett	Morrissey	Schellpeper
Beyer	Coordsen	Korshoj	Peterson	Wesely
	Crosby	Lamb	Pirsch	

Voting in the negative, 19:

Abboud	Dierks	Labedz	Moore	Warner
Barrett	Goodrich	Landis	Schimek	Wehrbein
Beck	Hannibal	Langford	Scofield	Weihing
Byars	Johnson, L.	Lindsay	Smith	

Present and not voting, 5:

Ashford	Haberman	Hefner	Nelson	Robak

Excused and not voting, 7:

Chizek	Johnson, R.	McFarland	Schmit	Withem
Elmer	Kristensen			

The fifth Hartnett-Korshoj amendment lost with 18 ayes, 19 nays, 5 present and not voting, and 7 excused and not voting.

The sixth Hartnett-Korshoj amendment is as follows:
FA230
Strike original section 21.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore offered the following amendment to the pending Hartnett-Korshoj amendment:
FA231
To reinsert the language found on page 12 lines 18-25 and on page 13 lines 1-15.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 150. Introduced by Smith, 33rd District.

WHEREAS, the Department of Public Institutions is responsible for the administration, supervision, and provision of mental health, mental retardation, and alcoholism and drug abuse programs as well as other services; and

WHEREAS, the three regional centers located in Lincoln, Norfolk, and Hastings provide diagnostic, treatment, rehabilitation,

and maintenance services for persons requiring acute or long-term inpatient psychiatric services both within their regions and statewide; and

WHEREAS, the treatment philosophies, levels of care, numbers of beds available and their distribution, and staffing patterns of the department and the regional centers are of crucial importance to the effectiveness of the services and their timely delivery; and

WHEREAS, the Legislature has the ultimate authority to set policy guidelines and ensure that present and future needs of the state are being met; and

WHEREAS, the Legislature should examine the regional center system and its operation to ascertain whether the state's needs are being met.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151. Introduced by Wesely, 26th District.

PURPOSE: The Legislature recognizes the need to deliver the best education to the students of the state and realizes that the early years are very critical in the forming of a student. The purpose of this resolution is to evaluate the need for and use of certificated school counselors in the public elementary schools of Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 152. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study Nebraska's dental laboratory industry and the dental technician profession which fabricates and repairs dental prosthetic appliances and to determine whether the health, safety, and welfare of the citizens of the state are adequately preserved and protected under current regulations and procedures for such laboratories and technicians for the delivery of dental prosthetic appliances within the state.

Currently such laboratories and those employed by them and technicians are not licensed or otherwise certified by the state and are not required to conform to any minimal health standards. Such standards may be necessary to assure infectious disease control and to protect quality requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 153. Introduced by Wesely, 26th District; Smith, 33rd District.

PURPOSE: The purpose of this resolution is to conduct an interim study to determine the programs that provide health care to children in Nebraska and to identify gaps in such health care.

Although there are programs in Nebraska to ensure that children receive the health care they need, there are children who are not eligible for services or, if they are eligible for health care services, do not receive them.

The study should include, but not be limited to, the following issues:

(1) Identification of existing programs and their costs;

(2) Determination of what services are needed that are not currently available;

(3) Study of the coordination in services for publicly funded health care programs for children;

(4) Identification of the number of children who are not receiving adequate health related services;

(5) Study of the medical care needs of vulnerable populations of children, including children in foster care;

(6) Availability of services under the medicaid program; and

(7) Ways to ensure that all children receive immunizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 154. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to conduct a study on the needs of caregivers to the elderly in the State of Nebraska.

The Health and Human Services Committee conducted a study pursuant to LR 396 on Caregivers of the Elderly in 1988 and found that eighty percent of those over sixty-five years of age needing care are receiving that care in a home setting. Extrapolating from national figures, there are forty-eight thousand two hundred sixty-nine households in Nebraska in which there are caregivers for the elderly. Over fifty percent of these caregivers also have children at home and fifty percent are employed outside the home. Nebraska's population over seventy-five years of age is growing at a rapid rate which will result in an increase in the number of caregivers.

This study will examine a number of issues relative to the plight of caregivers, including, but not limited to, the following:

(1) Identification of the needs of state employees who are caregivers and the role the state should take in addressing those needs as the States of Illinois and Washington have done;

(2) Development of mechanisms to encourage the private sector to provide services needed by the elderly and their caregivers in both urban and rural areas;

(3) Development of legislation which will provide respite care, on a sliding fee scale, for eligible frail elderly and functionally impaired persons and their caregivers;

(4) Study of methods to focus state financing of long-term care on home and community-based services; and

(5) Establishment of a Caregivers Task Force to work in cooperation with the Alzheimer's Disease Task Force to (a) identify the various public and private organizations and agencies across the state which work with caregivers, (b) identify any problems of these groups, and (c) coordinate, where appropriate, their activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 155. Introduced by Wesely, 26th District.

PURPOSE: The purposes of this resolution are to conduct a study of appropriate standards for special care units for the victims of Alzheimer's disease and related disorders and to recommend to the Legislature necessary legislation to ensure appropriate regulation of and standards for such units.

The Legislature established the Alzheimer's Disease Task Force in 1986 with the passage of LB 804 and rechartered the Task Force in 1987. In the course of its work the Alzheimer's Disease Task Force held seven town hall meetings across the state in the fall of 1988 and found five areas of concern among families of Alzheimer's disease victims and those who provide services. The areas of concern are the need for change in nursing homes, for providing relief for caregivers, for education for professionals, for information to increase general awareness, and for medical assessment centers.

The task force has determined that special care units in nursing homes are a means of providing the best care in the least restrictive environment for victims of Alzheimer's disease and related disorders and that state law makes no provision for the regulation of special care units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 156. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Goodrich, 20th District; Lynch, 13th 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: Cost containment for health care services; availability of nurses and other health care providers; 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; mental health; mental retardation; substance abuse; poverty; regulation of new health professions; rural health care availability; teenage pregnancy; asbestos removal; work and training mandates for recipients of public aid; the Nebraska Mental Health Commitment Act; payment of services for persons committed for treatment under the Nebraska Mental Health Commitment Act; naturopaths; fees for licensure; services for the medically fragile; services for the developmentally disabled; hunger; acquired immunodeficiency syndrome; and certificate of need. 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1671

(Amendments to the E & R amendments, AM7067)

1. Insert the following new sections:

"Sec. 6. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 6 to Article IX, which is hereby proposed by the Legislature:

CIX-6 '(1) Any county having a population of more than three hundred thousand inhabitants may adopt a home rule charter for the county by a majority vote of the qualified electors of the county voting on the question, and when so adopted such charter may be changed or amended as provided in this section subject to the Constitution and laws of this state.

(2) A charter may be amended or a charter convention called by (a) a proposal made by the governing body of the county or (b) a petition containing the signatures of qualified electors in the county representing at least five percent of the vote at the last gubernatorial election in the county. Such petition shall be filed with the governing body which shall submit the charter amendment or question of a charter convention to a vote of the qualified electors at the next general or special election held more than thirty days after the governing body's proposal or after such petition is filed. In submitting any charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. The county clerk of the county shall publish the full text of any charter or charter amendment to be voted on with his or her official certification in at least one newspaper published and in general circulation in the county for three times approximately a week apart.

(3) Whenever the question of a charter

convention is approved by a majority of those voting thereon, a charter convention shall be called through a special resolution and the charter convention shall be constituted and held and the proposed charter submitted to a vote of the qualified electors and approved or rejected as provided in this section. A charter convention shall be appointed by the governing body of the county and shall consist of fifteen freeholders who have been qualified electors of the county for at least the five years prior to appointment. The charter convention shall prepare and propose a charter for the county within six months after their appointment. The proposed charter shall be signed by the members of the convention or a majority thereof and delivered to the county clerk. The county clerk shall publish the proposed charter in at least one newspaper published and in general circulation in the county, for three times approximately a week apart, within ninety days prior to its submission to the qualified electors of the county at a general or special election. If the proposed charter is ratified by a majority of the qualified electors voting thereon, the charter shall become the charter of the county at the end of ninety days after ratification and shall supersede any existing charter and all amendments to such charter. A duly authenticated copy of the charter adopted and any subsequent amendments to such charter shall be filed with the Secretary of State and the county clerk of the county.

(4) No charter or charter amendment adopted under this section shall be amended or repealed except by electoral vote. No charter or charter amendment shall diminish the tax rate for state purposes fixed by an act of the Legislature or interfere with the collection of state taxes.'.

Sec. 7. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'A constitutional amendment to authorize counties with more than three hundred thousand inhabitants to adopt a home rule charter and

to provide procedures for amending a home rule charter and the calling of charter conventions.

For

Against'.

Sec. 8. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.".

2. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 727 in the Journal. No objections. So ordered.

AM1705

(Amendments to Standing Committee amendment, AM1323)

1. On page 1, line 8, after "gas" insert "other than assistance regarding ownership of regulated utilities".

Mr. Warner asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1720

PURPOSE: To match the rates of LB303 to the levels contracted with the health insurance providers and to the levels appropriated in LB303A.

1. On page 2, lines 13 and 14, strike the new matter and insert "seventy-two dollars and thirteen cents"; in lines 16 and 17 strike the new matter and insert "eighty dollars and twenty-nine cents"; and in lines 18 and 19 strike the new matter and insert "two hundred fifty-five dollars and ninety-six cents".

Mr. Morrissey asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1752

(Amendments to E and R amendments, AM7064)

1. On page 21, after line 4 insert the following new subsection:

"(3) The Department of Health shall develop an

assessment of current and historical human health trends and conditions in the area surrounding the facility described in subdivision (3)(d) of section 81-15,101.01. All necessary costs of such health assessment shall be paid by the Central Interstate Low-Level Radioactive Waste Compact Commission.

The Department of Health shall involve members from the local monitoring committee in the design and implementation of such health assessment.

The Department of Health may appoint a committee of health professionals to assist in the design of the health assessment and may hire independent contractors to conduct such health assessment.

The health assessment shall be developed using any suitable historical information as the Department of Health and the local monitoring committees deem necessary to determine the current health conditions of area residents and to provide a basis for evaluating the future health conditions and concerns of the residents.".

Mr. Morrissey asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1750

(Amendments to E and R amendments, AM7064)

1. On page 4, line 14, strike "fifty" and insert "ten".

Mr. Morrissey asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1751

(Amendments to E & R amendments, AM7064)

1. On page 11, line 3, strike "or", show as stricken, and insert "and".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LR 132 and LR 133. No objections. So ordered.

MOTION - Adjournment

Mr. Lynch moved to adjourn until 8:00 a.m., Tuesday, May 9, 1989.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Lynch requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 15:

Baack	Haberman	Korshoj	Morrissey	Wehrbein
Chambers	Hartnett	Langford	Scofield	Weihing
Conway	Hefner	Lynch	Warner	Wesely

Voting in the negative, 23:

Abboud	Byars	Hall	Moore	Rogers
Beck	Coordsen	Johnson, L.	Nelson	Schellpeper
Bernard-Stevens	Crosby	Labedz	Peterson	Schimek
	Dierks	Lamb	Pirsch	Smith
Beyer	Goodrich	Landis	Robak	

Present and not voting, 2:

Barrett Hannibal

Absent and not voting, 1:

Lindsay

Excused and not voting, 8:

Ashford	Elmer	Kristensen	Schmit	Withem
Chizek	Johnson, R.	McFarland		

The Lynch motion to adjourn lost with 15 ayes, 23 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 814. The pending Moore amendment, FA231, found in this day's Journal, to the pending Hartnett-Korshoj amendment, FA230, was renewed.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 8 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the Moore amendment.

Voting in the affirmative, 25:

Abboud	Byars	Hall	Lynch	Pirsch
Baack	Chambers	Hartnett	Moore	Robak
Beck	Conway	Korshoj	Morrissey	Rogers
Bernard-Stevens	Coordsen	Lamb	Nelson	Schellpeper
Beyer	Haberman	Landis	Peterson	Smith

Voting in the negative, 14:

Barrett	Goodrich	Johnson, L.	Scofield	Weihing
Crosby	Hannibal	Langford	Warner	Wesely
Dierks	Hefner	Schimek	Wehrbein	

Absent and not voting, 1:

Lindsay

Excused and not voting, 9:

Ashford	Elmer	Kristensen	McFarland	Withem
Chizek	Johnson, R.	Labedz	Schmit	

The Moore amendment was adopted with 25 ayes, 14 nays, 1 absent and not voting, and 9 excused and not voting.

The sixth pending Hartnett-Korshoj amendment, FA230, as amended, was renewed.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The sixth Hartnett-Korshoj amendment, as amended was adopted with 25 ayes, 13 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Axtell Community School; 15 eighth grade students and teacher from Lewiston; 19 first grade students and teacher from Meadowlane Elementary School, Lincoln; 36 fifth and sixth grade students and teachers from Palmer Elementary School; and 13 fourth grade students and teacher from St. Edward.

ADJOURNMENT

At 6:01 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 8:00 a.m., Tuesday, May 9, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 9, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 9, 1989

Pursuant to adjournment, the Legislature met at 8:04 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 Mr. Kristensen who was excused; and Messrs. Ashford, Chambers, Chizek, Conway, Dierks, Hall, R. Johnson, Landis, Lindsay, McFarland, Schmit, Wesely, Mmes. Beck, Labedz, Langford, Pirsch, Smith, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Ninth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 157. Introduced by Crosby, 29th District; Schimek, 27th District.

WHEREAS, the members of the Lincoln Southeast High School team competing in the National Bicentennial Competition on the Constitution and Bill of Rights displayed their knowledge of the Constitution and Bill of Rights by winning the competition; and

WHEREAS, the competition is funded by Congress and cosponsored by the Commission on the Bicentennial of the U.S. Constitution; and

WHEREAS, the team competed against more than one thousand students from forty-four states in simulated congressional hearings; and

WHEREAS, the team not only excelled in their knowledge of the Constitution and Bill of Rights but raised the money to cover their expenses for the trip to Washington, D.C.; and

WHEREAS, the team coach, Ted Larson, and the members of the Lincoln Southeast High School team deserve special praise and recognition for their hard work, expertise, and dedication in winning this honor for their team, school, and state.

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

1. That the Legislature sends its congratulations to the members of the Lincoln Southeast High School team and to its coach, Ted Larson, for winning the National Bicentennial Competition on the Constitution and Bill of Rights.

2. That a copy of this Resolution be sent to the principal of Lincoln Southeast High School.

Laid over.

LEGISLATIVE RESOLUTION 158. Introduced by Barrett, 39th District.

WHEREAS, the length of the legislative session is prescribed by the Constitution of the State of Nebraska; and

WHEREAS, the number, variety, and complexity of issues addressed by the Legislature seems to grow each year; and

WHEREAS, attendance and testimony at public hearings, debate on substantive law, debate on appropriations, contact with lobbyists, contact with constituents, and obtaining information on the multiplicity of issues before them occupy the time of the members of the Legislature; and

WHEREAS, a way to most efficiently use the time available during a legislative session is desirable.

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

1. That a special committee be appointed by the Executive Board of the Legislative Council to study use and scheduling of legislative time.

2. That the Clerk of the Legislature, the Legislative Fiscal Analyst, the Director of Research and the Revisor of Statutes provide staff support for the special committee.

3. That the special committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: Recent data indicates that between ten and fifteen percent of the population of the State of Nebraska under the age of sixty-five do not have health insurance. The number of those lacking health insurance appears to be increasing. The state, local hospitals, and physicians end up having to bear the cost when illness or injury occur. People who lack insurance may put off obtaining care for a health problem until their illness is serious which may result in greater health problems and increased cost due to the nature of the illness. The study of this issue shall include, but not be limited to, the following issues:

(1) Effectiveness of incentives for businesses to provide health insurance coverage for their employees;

(2) Whether establishing an insurance pool for this purpose would be an effective method of increasing coverage; and

(3) Any other issues necessary for a complete examination of this issue.

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

1. That the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall be designated to jointly 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.

LEGISLATIVE RESOLUTION 109. Read. Considered.

LR 109 was adopted with 22 ayes, 0 nays, and 27 not voting.

MOTION - Approve Appointments

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 2070: Brenda Council - Coordinating Commission on Postsecondary Education.

Voting in the affirmative, 25:

Abboud	Crosby	Hartnett	Lynch	Smith
Baack	Dierks	Hefner	Moore	Warner
Barrett	Elmer	Johnson, L.	Morrissey	Wehrbein
Bernard-Stevens	Haberman	Korshoj	Nelson	Weihing
Coordsen	Hannibal	Langford	Scofield	Withem

Voting in the negative, 0.

Present and not voting, 8:

Beyer	Goodrich	Peterson	Rogers	Schellpeper
Byars	Lamb	Robak		

Excused and not voting, 16:

Ashford	Conway	Kristensen	Lindsay	Schimek
Beck	Hall	Labedz	McFarland	Schmit
Chambers	Johnson, R.	Landis	Pirsch	Wesely
Chizek				

The appointment was confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 2156: Kenney D. Allred - Motor Vehicle Industry Licensing Board and Ronald K. Woodle - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 29:

Abboud	Dierks	Korshoj	Nelson	Smith
Baack	Elmer	Lamb	Peterson	Warner
Beyer	Goodrich	Langford	Pirsch	Wehrbein
Byars	Haberman	Lynch	Rogers	Weihing
Coordsen	Hefner	Moore	Schellpeper	Withem
Crosby	Johnson, L.	Morrissey	Scofield	

Voting in the negative, 0.

Present and not voting, 5:

Barrett	Bernard-Stevens	Hannibal	Hartnett	Robak

Excused and not voting, 15:

Ashford	Chizek	Johnson, R.	Landis	Schimek
Beck	Conway	Kristensen	Lindsay	Schmit
Chambers	Hall	Labedz	McFarland	Wesely

These appointments were confirmed with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 812 to Select File

Mr. Withem moved to return LB 812 to Select File for the following specific amendment:
FA232
1. Strike section 11.
2. Renumber sections accordingly.

Mr. Withem withdrew his motion to return.

Mr. Withem moved to return LB 812 to Select File for the following specific amendment:
FA233
1. Strike Section 8.
2. Renumber sections accordingly.

Mr. Baack asked unanimous consent to be excused until he returns. 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.

Mr. Withem withdrew his motion to return.

Mr. Moore moved to return LB 812 to Select File for the following specific amendment:
FA234
Page 6 line 15 strike 2,773,837 insert 1,688,367

Mr. Schmit 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 25 ayes, 8 nays, and 16 not voting.

The Moore motion to return prevailed with 25 ayes, 16 nays, 3 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 812. The Moore specific amendment, FA234, found 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 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Chambers	Korshoj	Morrissey	Rogers
Baack	Chizek	Lamb	Nelson	Schellpeper
Bernard-Stevens	Conway	Lindsay	Peterson	Wesely
Beyer	Hall	Lynch	Pirsch	Withem
	Hartnett	Moore		

Voting in the negative, 22:

Barrett	Dierks	Johnson, L.	McFarland	Smith
Beck	Elmer	Johnson, R.	Robak	Warner
Byars	Goodrich	Landis	Schimek	Wehrbein
Coordsen	Hannibal	Langford	Scofield	Weihing
Crosby	Hefner			

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Ashford	Kristensen	Labedz	Schmit

The Moore amendment lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

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. Withem requested a machine vote on the readvancement of the bill.

Mr. Withem requested a record vote on the readvancement of the bill.

Voting in the affirmative, 32:

Abboud	Crosby	Johnson, L.	Moore	Scofield
Ashford	Dierks	Labedz	Nelson	Smith
Barrett	Elmer	Landis	Pirsch	Warner
Beck	Goodrich	Langford	Robak	Wehrbein
Byars	Haberman	Lindsay	Rogers	Weihing
Conway	Hannibal	McFarland	Schimek	Wesely
Coordsen	Hefner			

Voting in the negative, 11:

Baack	Chizek	Korshoj	Lynch	Schellpeper
Bernard-Stevens	Hall	Lamb	Morrissey	Withem
	Johnson, R.			

Present and not voting, 4:

Beyer Chambers Hartnett Peterson

Excused and not voting, 2:

Kristensen Schmit

Readvanced to Final Reading with 32 ayes, 11 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 812. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 781, section 6, Laws 1988, LB 1040A, section 22, and Laws 1988, LB 1041, section 45; to make deficit appropriations; to make and change appropriations; to define terms; to state intent; to repeal the original sections; 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, 29:

Ashford	Dierks	Labedz	Nelson	Smith
Barrett	Elmer	Landis	Pirsch	Warner
Byars	Goodrich	Langford	Robak	Wehrbein
Conway	Haberman	Lindsay	Schimek	Weihing
Coordsen	Hefner	McFarland	Schmit	Wesely
Crosby	Johnson, L.	Moore	Scofield	

Voting in the negative, 17:

Abboud Baack Beck

Bernard-Stevens	Chambers	Hartnett	Lamb	Rogers
Beyer	Chizek	Johnson, R.	Morrissey	Schellpeper
	Hall	Korshoj	Peterson	Withem

Present and not voting, 1:

Hannibal

Excused and not voting, 2:

Kristensen Lynch

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB 812

Mr. Hannibal moved to reconsider the vote on final passage of LB 812 with the emergency clause attached.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hannibal motion to reconsider prevailed with 33 ayes, 9 nays, 4 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 812. With Emergency.

Mr. Moore 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	Beck	Byars	Coordsen	Dierks
Barrett	Beyer	Conway	Crosby	Elmer

Goodrich	Labedz	Moore	Schimek	Warner
Haberman	Landis	Nelson	Schmit	Wehrbein
Hannibal	Langford	Pirsch	Scofield	Weihing
Hefner	Lindsay	Robak	Smith	Wesely
Johnson, L.	McFarland	Rogers		

Voting in the negative, 13:

Abboud	Bernard-Stevens	Chizek	Johnson, R.	Morrissey
Baack	Chambers	Hall	Korshoj	Schellpeper
		Hartnett	Lamb	Withem

Excused and not voting, 3:

Kristensen	Lynch	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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 812.

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.

Gale Wickersham - Motor Vehicle Industry Licensing Board

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers, Schellpeper. Voting nay: None Not voting: None.

(Signed) Howard Lamb, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 160. Introduced by Moore, 24th District.

WHEREAS, crimes perpetrated against children, including molestation, abduction, attempted abduction, sexual abuse, and murder, are increasing;

WHEREAS, there is increasing public concern over the number of missing and kidnapped children reported each year;

WHEREAS, the mobility of modern day society allows missing or kidnapped children to be transported long distances in a short period of time;

WHEREAS, besides victimized children, there are an increasing number of children that are in latchkey or self-care situations who may from time to time need adult help urgently;

WHEREAS, as a result, children, wherever they may be, need access to a block home, which is a place of safety and refuge with an easily identifiable block home symbol;

WHEREAS, there are currently several different symbols being used to alert distressed children and adults about places of refuge where help will be provided;

WHEREAS, having several different symbols in use causes confusion because it is difficult to teach children to understand and differentiate between all the different community and neighborhood safety symbols being used in the state;

WHEREAS, there is a need for a universal block home program and symbol to clearly identify homes in communities that serve as places of refuge for children or adults who are frightened, injured, lost, in danger, crime victims, or in any emergency situation;

WHEREAS, McGruff House is a well-developed nationwide program that ensures safety for children by requiring criminal history checks on all McGruff House participants;

WHEREAS, the McGruff House program is easy to implement and furnishes detailed information and guidelines;

WHEREAS, McGruff, the crime fighting dog, has been adopted and promoted by the National Crime Prevention Council and Coalition as its official symbol for safety;

WHEREAS, a nationwide survey of children ages five to twelve shows a ninety-nine percent recognition rate for McGruff, with ninety-seven percent of children trusting his message, and a ninety-six percent recognition rate among teens;

WHEREAS, the McGruff House program is being used in thirty-two states across the country; and

WHEREAS, numerous local, state, and national organizations, including the National Crime Prevention Council and Coalition and the International Association of Chiefs of Police, have endorsed the McGruff House block program.

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

1. That the Legislature encourages Nebraska communities to establish block home programs.

2. That the McGruff House symbol and program be exclusively recommended for use in Nebraska to allow children and adults to readily recognize the symbol in any part of the state or country they are in.

3. That copies of this resolution be sent to the director of the National Crime Prevention Council and Coalition, the president of the International Society of Crime Prevention Practitioners, and the International Association of Chiefs of Police.

Laid over.

LEGISLATIVE RESOLUTION 161. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study the feasibility and workability of the Farm Labor Contractors Act, since the act has been in effect for a substantial period of time and no entity has registered under the act. In order to protect the workers of the state as well as protect the ability of business to operate efficiently in the state, it is necessary to examine the act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study the current status of computer availability to students in Nebraska postsecondary institutions. As the requirements for computer use and literacy increase it is important that Nebraska develop its resources to fullest

potential. This study shall include, but not be limited to: (1) An examination of computer availability for students at postsecondary institutions in other states; (2) an examination of the computer use and availability needs of Nebraska postsecondary students at present and in the future; (3) an examination of innovations in student computer use and availability currently taking place that need implementation in Nebraska; and (4) an examination of the status of a plan to implement improvements in student computer use and availability at all Nebraska postsecondary institutions.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study laws pertaining to pornography. It is a priority of the state to protect, yet not infringe upon, the rights of the people of the state regarding published and displayed materials. A study of laws relating to pornography should help determine which areas of such laws Nebraska may need to address. The study shall include, but not be limited to, examination of the laws of other states as well as federal laws and examination of the effects of pornography on the public.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study issues raised by the introduction of Legislative Bill 105, Ninety-first Legislature, First Session, 1989, regarding reimbursement by health insurance companies for services provided by chiropractors, including (1) the intent and history of section 44-513; (2) the laws and trends on this subject in other states; and (3) whether changes in Nebraska law on this subject would be appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165. Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to conduct an interim study on the feasibility and desirability of enacting legislation which would require school buses to have safety seat belts for our children. The study should include, but not be limited to, research of school bus accidents in this country, legislation from other states, and costs and benefits associated with mandatory safety seat belts in school buses.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Lynch, 13th District.

PURPOSE: The purpose of this study is to study the feasibility of permitting hunting on the side of country roads. Roadside hunting was allowed in Nebraska for a short time during the early 1970s and is currently allowed in Iowa. This study shall examine the problems, or absence of problems which such a hunting policy has created in Iowa or in Nebraska during the period the policy was in place.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Hefner, 19th District; Rogers, 41st District; R. Johnson, 34th District.

WHEREAS, the Canadian Government provides production incentives to pork producers which encourage overproduction and targeting of the United States market; and

WHEREAS, the incentives are seriously injuring the ability of United States pork producers to make a profit in this country; and

WHEREAS, there is a duty on hogs imported from Canada and a temporary duty on imported pork products from Canada which attempt to offset the incentives provided by the Canadian Government.

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

1. That the Legislature urges the United States Government to establish a permanent duty on pork products imported from Canada to offset the incentives paid to Canadian pork producers by their government.

2. That a copy of this resolution be sent to Don Gingerich, President of the National Pork Producers Council, Walden Stigte, President of the Nebraska Pork Producers Association, Terry Schrick, Executive Secretary of the Nebraska Pork Producers Association, the United States Department of Commerce, the United

States Department of Agriculture, the Office of the United States Trade Representative, the Nebraska Congressional Delegation, and United States Representative Charles Stenholm, Chairperson of the United States House Agriculture Committee's Subcommittee on Livestock, Dairy, and Poultry.

Laid over.

LEGISLATIVE RESOLUTION 168. Introduced by Wesely, 26th District.

WHEREAS, we have been endowed not only with the blessings and benefits afforded us by our animal friends, who give us companionship and great pleasure in our daily lives, but also with the responsibility to protect these fellow creatures from need, pain, fear, and suffering; and

WHEREAS, we recognize that the teaching of attitudes of kindness, consideration, and respect for all living things through humane education in our schools and communities helps to provide the basic values upon which a humane and civilized society is built; and

WHEREAS, the people in the State of Nebraska are deeply indebted to animal care and control agencies for their invaluable contributions in caring for lost and unwanted animals, instilling humane values in our children through humane education programs, and promoting a true working spirit of kindness and consideration for animals in the minds and hearts of all people.

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

1. The Legislature does hereby proclaim May 7 through May 13, 1989, as BE KIND TO ANIMALS WEEK in the State of Nebraska and urges all citizens to take due note of the observance.

Laid over.

LEGISLATIVE RESOLUTION 169. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to provide information regarding homelessness within the State of Nebraska and to explore the future involvement of the state in the alleviation of this growing social crisis.

The number of people who are homeless is growing throughout the state. Emergency shelters consistently operate at or near their capacities, and transitional housing programs are so limited as to make vacancies rare. A census taken by the Omaha Coalition for the Homeless of emergency shelter occupancy in Omaha found that from April 1987 to April 1988 the number of homeless increased by twenty-five percent. A census conducted by the State Department of Education revealed that on one night in October of 1988, there were over six hundred homeless children throughout the state. It is commonly believed that these six hundred children represent only a small portion of all homeless children.

Through an examination of various completed studies, there are in Omaha and Lincoln alone several thousand homeless people every night. Through anecdotal information, it is known that homelessness exists in smaller communities throughout the state, however, the degree of the crisis is presently unknown.

The study shall include, but not be limited to, the following issues:

(1) The development of a data resource base which would provide information as to the demographics of homelessness throughout the state;

(2) An examination of the involvement of other states in the alleviation of homelessness. Specific areas of focus would include:

(a) State-funded coalitions for the homeless; and

(b) Financial and technical assistance programs which provide incentives and support for the development of transitional housing programs;

(3) An examination of the potential for future funding by the State of Nebraska to assist in the alleviation of homelessness; and

(4) An examination of current statutes concerning the operation of housing authorities in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 170. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to authorize a study of continuing care retirement communities in Nebraska. Continuing care retirement communities are an increasingly popular alternative form of housing for those over the age of sixty-five. Such communities guarantee access to increasing levels of health care ranging from independent living units to infirmaries or nursing home facilities under a contract based on an entrance fee as well as possible payment of monthly charges.

In Nebraska, however, there are no statutory provisions, rules, regulations, or case law that protects residents' substantial investment in such communities, and there is the potential for continuing care retirement communities to have financial problems.

The study authorized by this resolution should include, but not be limited to, the need for and appropriate means of regulating:

(1) Disclosure of assets and liabilities of the organizers of a community;

(2) Disclosure of ownership interests;

(3) Disclosure of certain facility policies, such as when a refund is due, when occupancy can be terminated, when an agreement can be rescinded, and how much health care will be provided;

(4) Reserve requirements;

(5) Escrow requirements; and

(6) Individual rights of residents.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the effectiveness of the school weatherization activities in Nebraska and the desirability of continuing funding for school weatherization from the severance tax after the sunset date of July 1, 1990. The study should examine the program's cost effectiveness and the remaining unmet weatherization needs of Nebraska's schools.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172. Introduced by Wesely, 26th District.

PURPOSE: There exists in Nebraska a need for better accountability and disclosure of lobbying activities by special interest groups and a code of ethics for all state government officials. It is in the public interest to know when special interest groups are influencing public policy decisions made by state officials both in the Legislature and in the executive branch of state government and that a code of ethics be established to guide state officials to avoid potential conflicts of interest.

The purpose of this resolution is to study current state statutes relating to public accountability and disclosure of lobbying activities and a code of ethics for state officials to identify necessary changes to accomplish the goal of providing the best possible state government service to the citizens of Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH 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 the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 285A in the Journal. No objections. So ordered.

AM1754

(Amendments to Final Reading copy)

1. On page 2, strike lines 2 and 3; in line 4 strike "$422,520" and insert "$313,504"; in line 5 strike "(3) $262,940" and insert "(2) $228,816"; in line 6 strike "$203,000" and insert "$247,496"; strike beginning with "$4,650" in line 13 through "$185,900" in line 14 and insert "$50,420"; and in line 15 strike "(c) $197,000" and insert "(b) $197,310".

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 352. Title read. Considered.

Standing Committee amendments, AM0376, found in the Journal on page 779 for the Thirtieth Day, were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Morrissey and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 355. Title read. Considered.

Standing Committee amendments, AM0555, found in the Journal on page 909 for the Thirty-Sixth Day, were considered.

Mr. Wesely withdrew his pending amendment, AM1143, found in the Journal on page 1501.

Mr. Wesely offered the following amendment to the Standing Committee amendments:

AM1440

(Amendments to Standing Committee amendments, AM0555)

1. Insert the following new amendments:

"1. Insert the following new sections:

'Sec. 17. Any fees collected pursuant to sections 4 and 8 of this act shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund.

Sec. 18. 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 3, line 3, strike ', under the supervision of' and insert 'be monitored by'; and in line 4 strike the comma and insert 'and'; in line 20 after '(3)' insert 'Center for the developmentally disabled shall include home and community-based services as defined in section 68-1038 which are certified by the department;

(4)'; in line 22 strike '(4)' and insert '(5)'; and in line 25 strike '(5)' and insert '(6)'.

3. On page 4, line 4, strike '(6)' and insert '(7)'; in line 9 strike 'under the supervision of' and insert 'monitored by'; in line 11 strike '(7)' and insert '(8)'; in line 13 strike '(8)' and insert '(9)'; and in line 18 strike 'under the supervision of' and insert 'to be monitored by'.

4. On page 5, line 11, strike 'supervision' and insert 'monitoring'.

6. On page 8, line 25, after the first comma insert 'state agencies,'.

8. Renumber remaining sections accordingly.'.".

2. Renumber remaining amendments accordingly.

The Wesely amendment was adopted with 16 ayes, 0 nays, 26 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 355A. 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 817. 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.

UNANIMOUS CONSENT - Expedite LB 817

Mr. Conway asked unanimous consent to expedite LB 817. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311. E & R amendments, AM5096, found in the Journal on page 1225 for the Forty-Ninth Day, were adopted.

Ms. Scofield renewed her pending amendment, AM1144, found in the Journal on page 1764.

Ms. Scofield withdrew her pending amendment.

Ms. Scofield withdrew her pending amendment, AM1145, found in the Journal on page 1765.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1620, found in the Journal on page 1999.

The Landis amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Ms. Scofield asked unanimous consent to replace her pending amendment, AM1647, found in the Journal on page 2039, with a substitute amendment. No objections. So ordered.

Ms. Scofield withdrew her pending amendment, AM1647, found in the Journal on page 2039.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following substitute amendment:
AM1769

1. On page 16, line 16, before "In" insert "(1)"; in line 18 strike "(1)" and insert "(a)"; and in line 20 strike "(2)" and insert "(b)".

2. On page 17, after line 1 insert the following new subsection:

"(2) Upon the issuance of bonds for aiding the financing of wastewater treatment projects and at the earliest time that bond proceeds become available, the authority shall transfer the proceeds, less the cost of the issuance and financing of such bond issues and the debt service reserve fund, if any, to the Wastewater Treatment Facilities Construction Loan Fund.".

3. On page 25, after line 18 insert the following new subdivision:

"(a) Accounting from the Nebraska Investment Finance Authority for the costs associated with the issuance of bonds pursuant to the act;"; in line 19 strike "(a)", show as stricken, and insert "(b)" and after "payments" insert "or deposits"; in line 21 strike "(b)", show as stricken, and insert "(c)"; and in line 23 strike "(c)", show as stricken, and insert "(d)".

The Scofield amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Elmer and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Scofield renewed her pending amendment, AM1648, found in the Journal on page 2040.

The Scofield amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Ms. Scofield renewed her pending amendment, AM1596, found in the Journal on page 2041.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Scofield amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Hefner, Bernard-Stevens, and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Beyer	Goodrich	Johnson, R.	Robak
Ashford	Chizek	Hall	Labedz	Schimek
Baack	Conway	Hannibal	Landis	Warner
Barrett	Crosby	Hartnett	Lindsay	Weihing
Beck	Dierks	Johnson, L.	Nelson	Withem
Bernard-Stevens				

Voting in the negative, 1:

Scofield

Present and not voting, 10:

Byars	Lamb	McFarland	Pirsch	Smith
Haberman	Langford	Moore	Schellpeper	Wesely

Excused and not voting, 12:

Chambers	Hefner	Lynch	Peterson	Schmit
Coordsen	Korshoj	Morrissey	Rogers	Wehrbein
Elmer	Kristensen			

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 9, 1989, at 11:13 a.m., was the following bill: 812.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LR 127. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 173. Introduced by Wehrbein, 2nd District.

PURPOSE: The purpose of this resolution is to examine snowmobiles, including their usage, the method by which they are licensed, registration of snowmobiles, education on snowmobile operation, the use of funds generated by licensure and registration of snowmobiles, and other issues included in LB 463, Ninety-first Legislature, First Session. The study should determine the proper usage of Nebraska roads taking into consideration all aspects of safety set forth by the federal government and laws currently existing in this state. Attention should also be given to the way snowmobiles are licensed and how best to use funds collected in registering snowmobiles. The intent of this resolution is to formulate public policy on the use of snowmobiles on public right-of-way, along with the licensing of snowmobiles to protect the interest of those who own and operate snowmobiles in the State of Nebraska and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 174. Introduced by Lamb, 43rd District; Baack, 47th District.

PURPOSE: The purpose of this resolution is to study current provisions of Nebraska law relating to abandoned motor vehicles. The study shall include an examination of:

(1) The current procedures for disposing of abandoned motor vehicles held by counties and municipalities;

(2) The need to alter current definitions of abandoned motor vehicle and local authority; and

(3) Whether to prohibit the registration of motor vehicles by any person who has abandoned a motor vehicle and failed to pay storage and removal costs.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175. Introduced by Morrissey, 1st District.

PURPOSE: The purpose of this resolution is to conduct an interim study of the development and utilization of standard voter registration forms and the creation of a master list of all registered voters in the state to be maintained in the office of the Secretary of State.

The election process is facilitated through the collection and distribution of voter registration information. However, county clerks and election commissioners currently use various forms to

register individuals to vote and different methods to create and maintain voter registration records, many of which do not garner the same kinds of information or maintain the same kinds of records.

As communication through computers become more and more sophisticated, the efficient electronic transfer of information between state and county governments requires information and systems that are compatible.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Chizek, 31st District.

PURPOSE: The purpose of this study is to review and study matters relating to the Nebraska Hospital-Medical Liability Act. The study shall include the effect of the act on malpractice claims and on the cost of medical malpractice insurance and the effect of the limits on recovery on medical malpractice.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Hall, 7th District.

PURPOSE: The purpose of this resolution it to study Nebraska's overall tax system. The study shall examine the relationship between

and utilization of the sales tax and the income tax as well as local property taxes. It shall also examine exemptions from each of these tax bases. The study should focus on ways to make the overall tax system more fair, more efficient, and more consistent in promoting the tax policy of the state.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178. Introduced by Hall, 7th District.

PURPOSE: The purpose of this resolution is to examine sales tax exemptions in Nebraska. The study should look at the history and policy behind the existing exemptions and those sought in recent years with a view towards achieving an equitable system consistent with the tax policy of the state.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179. Introduced by Hall, 7th District.

PURPOSE: The purpose of this resolution is to study that part of Article VIII, section 1, of the Nebraska Constitution generally known as the uniformity clause. The study should examine the history, interpretation, and policy behind the uniformity clause and determine

if it continues to serve its purposes. The study shall also determine if repeal or modification of the uniformity clause would be consistent with the tax policy of the state and be in the public interest.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Nelson, 35th District; Schmit, 23rd District; Moore, 24th District; Coordsen, 32nd District.

PURPOSE: The purpose of this resolution is to study the Nebraska Center for Children and Youth. Particular emphasis shall be given to the administration of the center, the staffing of the center, the number of people housed at the center, the use of the facilities at the center and whether or not all of the facilities are needed and used, and any other factors the committee deems necessary to fully implement this study.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Nelson, 35th District; Chambers, 11th District; Chizek, 31st District; Hartnett, 45th District.

PURPOSE: The purpose of this resolution is to study the facilities maintained by the Department of Correctional Services. The study shall include, but not be limited to:

(1) The population of such facilities;

(2) If overcrowding is found, the ways and means to alleviate such overcrowding;

(3) The need for additional construction and the potential cost of such construction;

(4) The establishment of juvenile detention facilities; and

(5) Any other factors the committee deems necessary to fully carry out this study.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Nelson, 35th District; Robak, 22nd District; Smith, 33rd District; Hannibal, 4th District.

PURPOSE: The purpose of this interim study is to study provisions of the Asbestos Control Act and its implementation by virtue of rules and regulations adopated and promulgated by the Department of Health. Confusion has been created as to what entities fall under the act and what is required of the entities that must comply. This study will include, but not be limited to, an examination of the effects of the act upon residential and business entities within the State of Nebraska and shall create findings and a clarification of existing law.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Withem, 14th District.

PURPOSE: To study the availability, quality, and coordination of early childhood education and child care in communities throughout Nebraska. It has been demonstrated that appropriate early childhood education and developmental experiences strengthen children and their families. Further, early childhood care and education represent a sound financial investment for the future of Nebraska. Yet early childhood care and education programs serve only a fraction of Nebraska's children.

The National Conference of State Legislatures has awarded a technical assistance grant to the Education Committee and Health and Human Services Committee to cooperatively study and plan for support of early childhood education and child care policies. Legislation is pending both in Congress and the Legislature which would expand opportunities for quality child care and early childhood education. There is a need to solicit input from parents, schools, private and public providers of child care, and the public in order to develop coordinated and effective policy in these related areas.

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

1. That the Education Committee and the Health and Human Services Committee of the Legislature shall cooperatively conduct an interim study to carry out the purposes of this resolution.

2. That the Task Force on Quality, Accessible, Affordable Child Care of the Health and Human Services Committee and the Early Childhood Policy Development Task Force appointed by the State Board of Education shall be jointly involved in the interim study activities.

3. That the committees shall conduct public forums to gather information about the nature and availability of services statewide and to increase public awareness of the status of early childhood care and education.

4. 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.

LEGISLATIVE RESOLUTION 184. Introduced by Withem, 14th District.

PURPOSE: To study public-private partnerships in education. Across the nation, numerous private groups, including civic organization, businesses, and industry, have become more involved with public schools. There is a growing recognition that the private sectors have a real stake in the future of the schools and the school's ability to produce literate, thinking citizens and workers.

The purpose of the study is to develop a report on public-private partnerships in education in Nebraska, to hold hearings or forums to highlight successful partnerships, and to propose model structures for utilization in Nebraska communities.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Withem, 14th District.

PURPOSE: To study educational accountability systems. In the last several years there have been several efforts and initiatives to develop greater accountability measures describing the resources and performance of the state's school system. While various national measures, such as the Secretary of Education's Wall Chart comparison of the fifty states, show Nebraska schools to be performing relatively well although declining, there are serious questions about the validity and diagnostic usefulness of such measures.

The Legislature has required that by July 1, 1989, all schools shall meet performance-based accreditation standards. Further, the Legislature and State Board of Education are considering participations in the National Assessment of Educational Progress (NAEP) and other student performance measures. The study shall include consideration of the implementation of these and other accountability and assessment measures.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Withem, 14th District.

PURPOSE: To study teacher training in human relations and cultural diversity. This session the Legislature has heard and debated LB 250 which would require all teachers to have some training in human relations skills. An awareness and understanding of the culture, values, lifestyles, contributions, and history of different groups in our pluralistic society is necessary for teachers to be able to relate with and effectively teach all students.

The purpose of this study is to monitor the efforts of the teacher-training institutions in incorporating training in human relations into the curriculum. The study shall also address the appropriate role of the State Department of Education in strengthening teacher competency in human relations.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by Chambers, 11th District.

PURPOSE: The purpose of this resolution is to study sentencing disparity and the use of sentencing guidelines in Nebraska's criminal justice system. Sentencing guidelines have been developed and implemented in other states in an effort to reduce disparity and increase proportionality in sentencing.

The study proposed by this resolution would examine sentencing disparity, various sentencing guideline models, sentencing accountability, sentencing alternatives, and the impact of each on prison incarceration and population. The study would also include an examination of sentencing options currently in use in some states.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Legislative Research Division shall assist the committee in the completion of the study.

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.

LEGISLATIVE RESOLUTION 188. Introduced by Wehrbein, 2nd District.

PURPOSE: The purpose of this resolution is to study the issues raised by the introduction of LB 798 in the Ninety-first Legislature, First Session, regarding clinical training of students studying the practice of chiropractic. The study shall review: (1) The need or desirability of increased clinical training for students studying chiropractic; and (2) the need or desirability of allowing students of chiropractic to obtain clinical training under the direction of licensed chiropractors practicing in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 189. Introduced by Moore, 24th District; Lamb, 43rd District; Withem, 14th District.

PURPOSE: The purpose of this resolution is to study a replacement system for the present school finance system, as proposed by LB 611, Ninety-first Legislature, First Session, 1989, with a system which shares the income tax base with school districts to provide substantial and enduring property tax relief and a stable and lasting school finance system. It is also the purpose of this study to look at methods of assuring property tax relief by establishing limits on school district budget growth, which limits are sensitive to local needs and spending levels. This study shall include, but not be limited : (1) Any proposal for lasting property tax relief that deals with the issue of school finance; and (2) whether it is appropriate to share the income tax base with school districts to (a) assure all children a more equitable opportunity for an appropriate education, (b) provide a stable system of broad financial support for public schools through an appropriate mixture of revenue sources, and (c) provide equalization of fiscal ability and property tax burden among school districts through the inclusion of income wealth in the determination of a school district's ability to provide educational programs to the extent that such income is part of the accessible tax base.

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

1. That the Education Committee and Revenue Committee of the Legislature shall be designated to jointly 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.

VISITORS

Visitors to the Chamber were 48 fourth grade students and teachers from Ashland Park School, Omaha; 17 seniors and teacher from Pleasanton High School; Senator Wehrbein's parents, Ralph and Vivian Wehrbein, his uncle, Fred Wehrbein, and Katherin Hild; 35 fourth grade students and teachers from St. John's Catholic School, Lincoln; and 15 first through seventh grade students and teacher from Nebraska City.

RECESS

At 12:22 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Withem, and Mrs. Labedz who were excused; and Messrs. Abboud, Chambers, Landis, McFarland, and Schmit who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

May 9, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 330, 325, and 811 were received in my office on May 4, 1989.

These bills were signed by me on May 9, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Hartnett asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1749
(Amendments to the E and R amendments, AM7067)
1. On page 8, line 9, after "hundred" insert "fifty".

GENERAL FILE

LEGISLATIVE BILL 814. The seventh Hartnett-Korshoj amendment is as follows:
FA237
Strike original section 25.

Messrs. Hartnett and Korshoj withdrew their pending amendment.

The eighth Hartnett-Korshoj amendment is as follows:
FA235
Strike original section 29.

Mr. Wehrbein 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. Langford requested a record vote on the pending Hartnett-Korshoj amendment.

Voting in the affirmative, 3:

Hartnett	Korshoj	Moore

Voting in the negative, 27:

Ashford	Coordsen	Hannibal	Morrissey	Scofield
Barrett	Crosby	Hefner	Nelson	Smith
Beck	Dierks	Johnson, L.	Pirsch	Warner
Bernard-Stevens	Elmer	Langford	Robak	Wehrbein
Byars	Goodrich	Lindsay	Schimek	Weihing
	Haberman	McFarland		

Present and not voting, 12:

Baack	Conway	Lamb	Peterson	Schellpeper
Beyer	Hall	Lynch	Rogers	Wesely
Chizek	Johnson, R.			

Excused and not voting, 7:

Abboud	Kristensen	Landis	Schmit	Withem
Chambers	Labedz			

The eighth Hartnett-Korshoj amendment lost with 3 ayes, 27 nays, 12 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 190. Introduced by Conway, 17th District.

PURPOSE: The purpose of this resolution is to authorize an interim study of the profession of financial planning to determine the need, if any, for more comprehensive regulation of the profession. The study shall specifically consider the model legislation proposed by the North American Association of Securities Administrators.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191. Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to propose a study of the Legislature's committee structure and appropriation process. The study shall include a review of the current procedures utilized in the appropriations process and of methods used to review appropriations in other states. The committee may also study and propose new methods of reviewing appropriations which provide greater involvement by individual senators.

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

1. That a committee consisting of the chairperson of each standing and select committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The

committee shall select a chairperson and vice-chairperson from its members.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

3. That staff support and assistance for this study will be provided by the legislative research office, the Clerk of the Legislature's office, and the staff of committee members.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Schellpeper, 18th District; Pirsch, 10th District.

PURPOSE: The rights of crime victims in our society are too often neglected. Legislation has been enacted in recognition of the needs of victims. Currently, there is great interest in alternative sentences such as community service, restitution, intensive probation, house arrest, and electronic monitoring due to increased prison populations and increased cost to the state and its political subdivisions and questions about the effectiveness of prison for either rehabilitation or deterrence of crime. The purpose of this study is to examine whether alternative sentences can be used to improve the lot of crime victims and increase the responsibility of persons convicted of crimes to their victims without deprecating the seriousness of the offenses involved.

This study shall include, but not be limited to, examination of the following issues:

(1) Methods of increasing restitution to crime victims by persons convicted of such crimes;

(2) Methods of giving crime victims meaningful input into the criminal justice process, including sentencing, to the extent allowed by the United States Constitution;

(3) Whether alternative sentences are appropriate for certain types of offenses or whether they may deprecate the seriousness of the offense to the victim and society;

(4) Whether alternative sentences can provide effective rehabilitation of persons convicted of crimes;

(5) The deterrent effect of various types of alternative sentences;

(6) Whether race, ethnic origin, or socio-economic status of either the person convicted of the crime or the victim influence whether alternative sentences are utilized; and

(7) Any other matters necessary for a complete examination of this issue.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 bills were correctly re-engrossed: 84 and 84A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 84

The following changes, required to be reported for publication in the Journal, have been made:
ER6180

1. In the Lamb et al. amendment, AM1711:

a. On page 2, line 20, "the reduction in valuations provided by" has been struck;

b. On page 3, line 1, "provided by section 3 of this act" has been inserted after "valuations"; and

c. On page 4, lines 13 and 14, "value authorized" has been struck and "valuation provided" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz and Mr. Haberman asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1762

1. On page 168, line 25, strike "275,606" and insert "225,606".

2. On page 169, line 2, strike "1,614,245" and insert "1,564,245"; and strike lines 8 through 11.

3. On page 170, line 6, strike "4,908,252" and insert "4,858,252"; and in line 9 strike "18,926,285" and insert "18,876,285".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1743

(Amendments to the E and R amendments, AM7067)

1. Strike sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. (1) Each county, under commissioner organization, having not more than three hundred thousand inhabitants, shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150, which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five. Such districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county. District boundary lines shall not be ~~and not~~ subject to alteration more often than once in four years. One commissioner shall be nominated and elected ~~by each of said districts,~~ from each district but shall be elected by the ~~qualified electors~~ registered voters of the entire county in counties having a population ~~in excess of~~ of more than one hundred thousand.

(2) In counties having more than three hundred thousand inhabitants, the establishment of district boundary lines pursuant to this section shall be completed not later than December 1, 1991, or within one year after the county attains a population of more than three hundred thousand inhabitants, whichever occurs

later.

(3) The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session.

(4) In counties having more than three hundred thousand inhabitants, and in counties where a majority have voted for five commissioners, ~~(1)~~ (a) counties which elect ~~members of the board~~ commissioners on an at-large basis shall continue to appoint and elect additional ~~members~~ commissioners at large, and ~~(2)~~ (b) in counties which elect by district, it shall be the duty of the county board of such county, at ~~their~~ its first meeting after the publication of the state or federal census, or after an election deciding to have five commissioners, to divide ~~said~~ the county into five commissioner districts, as provided by law.

The three commissioners of such county whose terms of office will expire after ~~said~~ the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed, pursuant to section 32-1040, to serve until the first Thursday after the first Tuesday in January following the next general election. At such next general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings ~~will~~ shall be accepted for ~~a term~~ terms of two years and for ~~a term~~ terms of four years so that two ~~members~~ commissioners will be elected to four-year terms at one election and three ~~members~~ commissioners will be elected to four-year terms at the next election. Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. ~~After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section.~~ Nothing in this section shall be construed to prohibit the reelection of ~~commissioners~~ a commissioner

currently holding office ~~as long as~~ if such commissioner is reelected to represent his or her respective district.

Sec. 5. Sections 2 and 6 of this act shall become operative on January 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 6. That original section 23-151, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 2, strike beginning with the comma in line 7 through "until" in line 11 and insert ". Until".

3. On page 14, strike beginning with "sections" in line 23 through "and" in line 24 and insert "section".

4. Renumber the remaining sections accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1744

(Amendments to E and R amendments, AM7067)

1. Strike section 3 and insert the following new sections:

"Sec. 3. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. (1) Each county, under commissioner organization, having not more than three hundred thousand inhabitants, shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150, which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five, except that a county having more than three hundred thousand inhabitants shall be divided into seven districts if a majority of the registered voters in the county so vote in an election held pursuant to section 4 of this act. Such districts shall be numbered respectively one, two, three, four, five, six, and seven.

(2) ~~Such districts~~ Districts shall consist of two or more voting precincts~~,~~ comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county. District boundary lines shall not be ~~and not~~ subject to alteration more often than once in four years.

(3) One commissioner shall be nominated and elected ~~by each of said districts,~~ from each district but shall be elected by the ~~qualified electors~~ registered voters of the entire county in counties having a population ~~in excess of~~ of more than one hundred thousand. In counties having more than three hundred thousand inhabitants which hold an election pursuant to section 4 of this act and vote to nominate and elect commissioners by district, the commissioner from any district shall be nominated and elected by the registered voters from his or her district.

(4)(a) In counties having more than three hundred thousand inhabitants which hold an election pursuant to section 4 of this act and vote for seven commissioners, the establishment of district boundary lines pursuant to this section shall be completed as soon as practicable after such election.

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board of commissioners. If the county board fails to do so, it shall be subject to (i) suit by the county attorney for the purpose of ordering the establishment or alteration of boundary lines, (ii) removal from office for failure to comply with an order to establish or alter boundary lines within six months of receipt of such order, and (iii) suit by any citizen for the purpose of ordering the establishment or alteration of boundary lines. The county board shall be obligated to pay any costs and attorney's fees involved in any such action.

(5) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(6)(a) In counties having more than three hundred thousand inhabitants which do not hold an election pursuant to section 4 of this act, and in counties where a majority have voted for five

commissioners, ~~(1)~~ (a) counties which elect ~~members of the board~~ commissioners on an at-large basis shall continue to appoint and elect additional ~~members~~ commissioners at large~~,~~ and ~~(2)~~ (b) in counties which elect by district, it shall be the duty of the county board of such county, at ~~their~~ its first meeting after the publication of the state or federal census~~,~~ or after an election deciding to have five, to divide ~~said~~ such county into five commissioner districts~~,~~ as provided by law.

~~The~~ (b) In counties where a majority have voted for five commissioners, the three commissioners of such county whose terms of office will expire after ~~said~~ such election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed~~,~~ pursuant to section 32-1040~~,~~ to serve until the first Thursday after the first Tuesday in January following the next general election. At such next general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings ~~will~~ shall be accepted for ~~a term~~ terms of two years and for ~~a term~~ terms of four years so that two ~~members~~ commissioners will be elected to four-year terms at one election and three ~~members~~ commissioners will be elected to four-year terms at the next election.

(c) Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. ~~After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section.~~ Nothing in this section shall be construed to prohibit the reelection of ~~commissioners~~ a commissioner currently holding office ~~as long as~~ if such commissioner is reelected to represent his or her respective district.

Sec. 4. At the general election held in 1990,

the voters in any county having a population of more than three hundred thousand inhabitants shall be permitted to vote on the question of whether such county shall be divided into seven districts for purposes of section 23-151 and on the question of whether each commissioner of such county shall be nominated and elected by the qualified electors of his or her respective district.

The election commission of such county shall give notice of the submission of such questions in the general notice of the election, and the questions shall be printed upon the regular ballots cast for officers voted for at such election and shall be counted and canvassed in the same manner. The forms of the ballots shall be respectively:

Shall the county board of commissioners be expanded from five members to seven members?

Yes No

Shall the commissioners of the county be nominated and elected by district?

Yes No

Either question shall be successful if a majority of the votes cast on such question at the election are in favor of the question.".

2. Renumber the remaining sections accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1764

(Amendments to the E and R amendments, AM7067)

1. On page 8, strike beginning with "but" in line 9 through line 14 and insert an underscored period; and strike beginning with "Beginning" in line 21 through line 24.

2. On page 11, strike beginning with "At" in line 21 through the period in line 23.

3. On page 12, strike beginning with "At" in line 2 through line 4; and in line 12 strike ", election, or appointment".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 182A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 814. The ninth Hartnett-Korshoj amendment is as follows:
FA236
Strike original section 34.

The ninth Hartnett-Korshoj amendment lost with 5 ayes, 23 nays, 14 present and not voting, and 7 excused and not voting.

The tenth Hartnett-Korshoj amendment is as follows:
FA238
Strike original section 36.

The tenth Hartnett-Korshoj amendment lost with 2 ayes, 18 nays, 23 present and not voting, and 6 excused and not voting.

The eleventh Hartnett-Korshoj amendment is as follows:
FA239
Strike original section 37.

Messrs. Hartnett and Korshoj withdrew their pending amendment, FA239.

The twelfth Hartnett-Korshoj amendment is as follows:
FA240
Strike original section 38.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall offered the following amendment to the pending Hartnett-Korshoj amendment:
FA241
reinsert on Pg. 24 line 13 through the word "development" on line 19.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud	Hall	Lamb	Nelson	Schellpeper
Beyer	Hartnett	Lindsay	Pirsch	Schmit
Chizek	Korshoj	Moore		

Voting in the negative, 16:

Ashford	Dierks	Haberman	Johnson, L.	Warner
Baack	Elmer	Hannibal	Langford	Wehrbein
Barrett	Goodrich	Hefner	Schimek	Weihing
Crosby				

Present and not voting, 16:

Beck	Conway	Lynch	Peterson	Scofield
Bernard-Stevens	Coordsen	McFarland	Robak	Smith
Byars	Johnson, R.	Morrissey	Rogers	Wesely
	Landis			

Excused and not voting, 4:

Chambers	Kristensen	Labedz	Withem

The Hall amendment lost with 13 ayes, 16 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Hall requested a record vote on the pending Hartnett-Korshoj amendment.

Voting in the affirmative, 17:

Abboud	Coordsen	Korshoj	Moore	Schellpeper
Beck	Hall	Lindsay	Nelson	Schmit
Beyer	Hartnett	Lynch	Pirsch	Smith
Conway	Johnson, R.			

Voting in the negative, 19:

Ashford	Crosby	Haberman	Landis	Wehrbein
Baack	Dierks	Hannibal	Langford	Weihing
Barrett	Elmer	Hefner	Schimek	Wesely
Bernard-Stevens	Goodrich	Johnson, L.	Warner	

Present and not voting, 9:

Byars	Lamb	Morrissey	Robak	Scofield
Chizek	McFarland	Peterson	Rogers	

Excused and not voting, 4:

Chambers	Kristensen	Labedz	Withem

The twelfth Hartnett-Korshoj amendment lost with 17 ayes, 19 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 289A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1536

1. On page 78, strike line 13 and insert:
"GENERAL FUND 59,411,588 62,502,189";
strike line 16 and insert:
"PROGRAM TOTAL 124,420,589 128,357,757";
in line 20 strike "$56,886,588" and insert

"$59,411,588"; and in line 24 strike "$59,977,189" and insert "$62,502,189".

2. On page 82, strike line 3 and insert:

"GENERAL FUND 8,047,843 9,108,545";

and strike line 5 and insert:

"TOTAL 19,658,923 20,532,827".

3. On page 84, after line 12 insert:

"There is included in the appropriation under subdivision (3)(l) of this section $2,400,000 General Funds in FY1989-90 and FY1990-91 to be used by the Department of Social Services to provide for a fee schedule which provides for payments equal to the average prevailing rates charged by nongovernmental child care providers in this state or in areas of the state. Also included is $125,000 General Funds in FY1989-90 and FY1990-91 to hold harmless Title XX clients who pay a portion of their child care costs.".

4. On page 86, strike line 17 and insert:

"GENERAL FUND 198,828,760 213,344,930";

and strike line 20 and insert:

"AGENCY TOTAL 495,467,228 535,289,585".

RESOLUTIONS

LEGISLATIVE RESOLUTION 193. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to provide an examination of issues affecting water quality in the State of Nebraska, including, but not limited to, ground water and surface water quality, use of agricultural chemicals, use of chemicals for lawns and gardens in cities and villages, the role of natural resources districts regarding water quality, the role of the various state agencies with authority in the area of water quality, identification of water quality problems and water quality maintenance programs, water quality restoration, and funding of activities related to water quality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 194. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to review the statutes regarding hazardous and toxic wastes. Particular emphasis shall be given to the handling, management, storage, regulation, use, and disposal of substances that contribute to the hazardous and toxic waste stream, including a review of available and needed funding for such activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 195. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to authorize an interim study to develop a comprehensive plan for solid waste management in the State of Nebraska with particular emphasis on the unique problems of solid waste management confronting rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 196. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to provide a review of the activities of the Nebraska Gasohol Committee and the Ethanol Authority and Development Board and the programs the committee and the board administer to ensure that the efforts of the committee and board bestow the maximum benefits possible on those persons and entities which contribute financially to such programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 197. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to review the legislation and statutes regarding underground petroleum storage tanks, including Legislative Bill 289, Ninety-first Legislature, First Session, 1989, and to suggest possible improvements, if any, to the present statutory scheme particularly in the areas of lender security interests, fund reimbursement, and program administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 198. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to provide for the examination of state laws regarding interstate and intrastate transfers of Nebraska ground and surface water in order to provide a system of law that encourages the dedication of water to its highest and best use thereby enhancing water use efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 199. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study degradable products. The study shall include a review of:

(1) Laws and rules and regulations proposed or enacted in other states or by the federal government to regulate or control the use, sale, manufacture, or disposal of degradable products;

(2) The state of the technology used to produce degradable products;

(3) The types of degradabilities and their effectiveness;

(4) The types of degradable products available and their quality;

(5) Materials used to manufacture degradable products;

(6) The environmental impact of degradable products; and

(7) Any trends in this field and the economic impact of such trends.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to investigate how cases involving crimes against children are prosecuted in Nebraska. The purpose is to evaluate the current policy of having such crimes prosecuted by county attorneys and their interest and ability to do so.

Crimes against children, especially sexual abuse and incest, are very complicated and require a special expertise. The study would examine the feasibility of creating or designating a special unit in the Attorney General's office to prosecute such cases and assist law enforcement and child protective services workers.

The study shall also examine changes that may be needed in state law in order to facilitate child protective services and other investigations concerning crimes against children. The study shall review the current child protective services statutes and determine whether modification of such statutes is necessary.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Wesely, 26th District.

PURPOSE: The State of Nebraska, on an ongoing and comprehensive basis, needs to evaluate and to develop economic development policies and programs to assist businesses and communities throughout the state. Economic development strategies and initiatives need to be studied in areas including, but not limited to: (a) The formation of private venture capital in Nebraska; (b) authorization for the Nebraska Investment Council to invest in venture capital; (c) linking state funds deposits to community development investment; (d) assistance to new and existing small businesses in Nebraska; (e) community development programs and

assistance; and (f) investment in research and development in Nebraska.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 202. Introduced by Wesely, 26th District.

PURPOSE: Property taxes in Nebraska are high when compared to income and property taxpayers with low incomes are particularly deserving of property tax relief. Other states, including Wisconsin and Michigan, have addressed the need of providing property tax relief to persons with low incomes by implementing circuit breaker programs. The purpose of this resolution is to study such circuit breaker programs and determine the possibility of implementing such a program in Nebraska.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Wesely, 26th District.

PURPOSE: There is a need in Nebraska to assess state regulation of health and fitness clubs due to the loss by members of membership dues paid to clubs that have closed a facility in Nebraska.

The purpose of this resolution is to study the regulation of health and fitness clubs in Nebraska and other states and to identify potential protections needed to ensure that membership dues are refunded to Nebraskans when health and fitness clubs cease operating a facility in the state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to continue the work of the Task Force on Quality, Affordable, and Accessible Child Care which has been advising the Health and Human Services Committee of the Legislature for the last two sessions. The role of the task force is to continue the evaluation of child care services in Nebraska and to make recommendations as to the implementation of any new federal programs concerning child care.

Numerous studies have demonstrated the importance of quality child care for children and their families. Studies have also demonstrated the importance of child care to business productivity, escape from welfare dependency, and the general growth and development of children.

The 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) Means to provide assistance and training for child care providers;

(5) The identification of the child care needs of special needs children;

(6) The needs of at-risk families and how to met 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) New sources of funding to start and maintain child care facilities and programs;

(10) The need for and the provision of liability insurance for child care providers;

(11) The child care needs of teen parents and how to meet that need;

(12) How to meet the needs for child care of minority populations;

(13) The need for and the feasibility of a family leave policy for the state;

(14) The benefits and costs of Head Start program expansion;

(15) The encouragement of various options for employer-sponsored child care;

(16) Mechanisms to encourage the provision of developmentally appropriate care;

(17) How to increase the availability of newborn care;

(18) The need for and the appropriate mechanism for background checks of child care personnel;

(19) Ways to encourage the licensure of child care and to identify unlicensed care; and

(20) An 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 NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 205. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to authorize an interim study to provide for a continuing review of statutes relating to the management and disposal of low-level radioactive waste in the State of Nebraska and to develop amendments to current statutes, if

necessary, in order to ensure that such waste is managed in a manner that best promotes the public health and safety and protection of the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 206. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to provide for a study of lands owned by the State of Nebraska and managed by the Board of Educational Lands and Funds for the benefit of all the school children in the state and to determine if such lands should be sold and the proceeds invested in a manner which would provide a greater return on investment.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 814. The thirteenth Hartnett-Korshoj amendment is as follows:

FA242

Strike original section 39.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Moore requested a roll call vote on the Hartnett-Korshoj amendment.

Voting in the affirmative, 16:

Byars	Johnson, R.	Moore	Peterson	Schellpeper
Coordsen	Korshoj	Morrissey	Robak	Schmit
Haberman	Lamb	Nelson	Rogers	Wesely
Hall				

Voting in the negative, 25:

Abboud	Bernard-Stevens	Dierks	Johnson, L.	Pirsch
Ashford		Elmer	Landis	Schimek
Baack	Beyer	Goodrich	Langford	Scofield
Barrett	Chizek	Hannibal	Lindsay	Warner
Beck	Crosby	Hefner	McFarland	Wehrbein
				Weihing

Present and not voting, 2:

Hartnett Smith

Excused and not voting, 6:

Chambers	Kristensen	Labedz	Lynch	Withem
Conway				

The thirteenth Hartnett-Korshoj amendment lost with 16 ayes, 25 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The fourteenth Hartnett-Korshoj amendment is as follows:
FA243
Strike original section 40.

Messrs. Hartnett and Korshoj withdrew their pending amendment, FA243.

The fifteenth Hartnett-Korshoj amendment is as follows:
FA244
On page 22, line 25, strike "1990" and insert "1991"; and
On page 23, strike lines 1 through 10.
Strike original section 47.
Strike original section 48.
Strike original sections 49 and 50.
Strike original section 51.
Renumber remaining sections accordingly.

Messrs. Hartnett and Korshoj withdrew their pending amendment, FA244.

Messrs. Chizek, Chambers, and Kristensen offered the following amendment:
AM1691
1. Strike original sections 19, 20, and 21 and insert the following new section:
"Sec. 19. It is the intent of the Legislature that further construction or renovation projects, other than those authorized in this act, shall not be undertaken by the Department of Correctional Services until approved by the Legislature after the study of need required in this section. The Legislative Research Office shall conduct a study of the need for further construction or renovation projects by the Department of Correctional Services. The study shall be submitted to the Legislature by November 15, 1989. The study shall include an analysis of historical and projected prison population in relationship to the capacity of existing and proposed prison facilities, information on the methodology used to derive prison population projections used in the study, an analysis of the construction and operating costs of new inmate housing units versus the renovation and operating costs of existing state facilities for use as inmate housing units, information

on the possible use of county facilities for the housing of inmates, and information on the effect of sentencing, criminal penalties, the use of parole, and similar matters on prison population.

There is hereby appropriated $10,000 from the General Fund for the fiscal year ending June 30, 1990, to the Legislative Council, for Program 126, to conduct such study.".

2. Renumber the remaining sections accordingly.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Chizek, Chambers, and Kristensen withdrew their pending amendment.

Mr. Schmit renewed his pending amendment, AM1663, found in the Journal on page 2059.

Mr. R. Johnson 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 15 ayes, 0 nays, and 34 not voting.

The Schmit amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 207. Introduced by Withem, 14th District; Lamb, 43rd District.

PURPOSE: In Laws 1988, LB 340 the Legislature stated as its goal that all public schools should be accredited so that students in all school districts would have equal access to educational opportunities. It was the intent of the Legislature that certain services could be provided by using cooperative programs or alternative methods of service delivery. The State Board of Education was directed to review

its accreditation rules by July 1, 1989, and make needed revisions to such rules by January 1, 1990.

The purpose of this resolution is to review and monitor proposed accreditation rules for elementary and secondary schools. The Education Committee may hold hearings, if necessary, regarding such accreditation rules.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the 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 208. Introduced by Bernard-Stevens, 42nd District.

WHEREAS, the Central Nebraska Public Power and Irrigation District's Board of Directors has twelve members consisting of three representatives from each of the following counties: Phelps, Kearney, Adams, and Gosper; and

WHEREAS, the Central Nebraska Public Power and Irrigation District's service area is located in Gosper, Phelps, and Kearney counties; and

WHEREAS, the Central Nebraska Public Power and Irrigation District's principal storage facility, Lake McConaughy, is located within Keith county; and

WHEREAS, the Central Nebraska Public Power and Irrigation District utilizes the North Platte River below Lake McConaughy, within Keith and Lincoln counties, to transmit storage water to the supply canal diversion located at the confluences of the North and South Platte Rivers with the Platte River in Lincoln county; and

WHEREAS, the Central Nebraska Public Power and Irrigation District supply canal utilized to transmit storage water from Lake McConaughy to the service area traverses Lincoln and Dawson counties; and

WHEREAS, the residents of Keith, Lincoln, and Dawson counties are directly impacted and affected by the decisions of the Central Nebraska Public Power and Irrigation District regarding water flow control and dam water levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 among its tasks the committee shall review the impact of the Central Nebraska Public Power and Irrigation District's irrigation works within Keith, Lincoln, and Dawson counties and the representation of the Board of Directors of the Central Nebraska Public Power and Irrigation District.

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.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1765.)

Mr. Hall asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1761

PURPOSE: Provide operating funds for the State Department of Education to implement the textbook loan law.

1. On page 34, strike lines 8 through 25 and all amendments thereto and insert the following:

"GENERAL FUND	1,435,503	1,570,138
CASH FUND	386,410	394,720
FEDERAL FUND est.	22,852,348	24,209,684
REVOLVING FUND	195,804	196,168
PROGRAM TOTAL	24,870,065	26,370,710

Total expenditures for permanent and temporary salaries and per diems shall not exceed $1,438,445 for FY1989-90. Total expenditures for permanent and temporary salaries and per diems shall not exceed $1,439,541 for FY1990-91.

There is included in the appropriation to this program for FY1989-90 $124,402 General Funds and $21,331,417 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1990-91 $141,548 General Funds and $22,731,417 Federal Funds estimate for state aid, which shall only be used for such purpose. The $123,652 General Funds provided as state aid in FY1989-90 and the $140,798 General Funds provided as state aid in FY1990-91 are appropriated to carry out the provisions of subsection (2) of section 79-4,118.".

2. On page 35, strike lines 1 and 2 and all amendments thereto.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 814. Mr. Bernard-Stevens reoffered his amendment, AM1577, found in the Journal on page 1946.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Baack	Conway	Haberman	Landis	Rogers
Bernard-Stevens	Coordsen	Hall	McFarland	Schellpeper
Beyer	Crosby	Hartnett	Morrissey	Schmit
Byars	Dierks	Hefner	Nelson	Smith
Chizek	Elmer	Lamb	Peterson	Weihing
	Goodrich			

Voting in the negative, 11:

Abboud	Beck	Johnson, L.	Langford	Warner
Ashford	Hannibal	Korshoj	Pirsch	Wesely
Barrett				

Present and not voting, 6:

Johnson, R. Moore Schimek Scofield Wehrbein
Lindsay

Excused and not voting, 6:

Chambers Labedz Lynch Robak Withem
Kristensen

The Bernard-Stevens amendment was adopted with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mmes. Beck and Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to E & R for Review with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 209. Introduced by Scofield, 49th District.

PURPOSE: As environmental protection issues continue to grow in dimension and complexity, the demands placed upon the Department of Environmental Control have also increased significantly. Since the creation of the department in the early 1970s several programs have been added to the jurisdiction of the department for regulation and oversight. These include leaking underground storage tanks, wastewater treatment facilities, hazardous waste, low-level radioactive waste disposal, Superfund sites, chemigation, and solid waste. As actions of the federal government increase the enforcement duties of the states, federal funding for these activities are not increasing at a similar rate. The purpose of this study is to assess the ability of the department to respond to these increasing demands and whether budgetary, statutory, staffing, and organizational changes

may be necessary to better respond to environmental protection needs. In conducting the study consideration shall be given to:

(1) Legal and financial issues through an examination of the department's level of resources and authority to thoroughly address liability issues and monitor legal developments with regard to environmental and financial responsibility issues;

(2) Staff workload and specialization through a review of staff workload, including the possible need to hire additional staff and specialists due to increased workloads and more complex issues;

(3) Federal and state legislation through an analysis of how state and federal legislation have impacted the responsibilities of the department and its funding level, an examination whether state-mandated program budgets are adequate to meet the demand, and consideration of whether the department should be directed to report to the Legislature on an annual basis regarding the status of federal Environmental Protection Agency mandates and funding levels; and

(4) Environmental Control Council membership, powers, mandates, and authority and possible statutory revisions to the membership of the council and its duties to better respond to the increase in complexity and scope of issues that it must address.

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

1. That the Appropriations Committee, the Government, Military and Veterans Affairs Committee, the Judiciary Committee, and 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 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.

LEGISLATIVE RESOLUTION 210. Introduced by Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to provide for a study of the role and structure of public power in the State of Nebraska, with specific emphasis on consolidation of public power entities and facilities, including central dispatch facilities and other such joint efforts. The committee shall hold hearings and solicit public input in conducting the study provided for in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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 211. Introduced by Schmit, 23rd District.

WHEREAS, the State of Nebraska's local governments and political subdivisions have historically issued bonds to finance essential public projects such as roads, bridges, schools, public buildings, and water, gas, and electric utilities and facilities;

WHEREAS, Congress has historically recognized the important role of such bonds in funding public projects by refraining from taxing the interest on such bonds;

WHEREAS, in the case of South Carolina v. Baker the United States Supreme Court ruled that Congress may tax interest on state and local government bonds;

WHEREAS, the taxation of interest on state and local government bonds would increase capital costs severely impairing the ability of these governments to finance essential public projects; and

WHEREAS, it is in the best interest of the citizens of the State of Nebraska that tax-exempt financing be available to state and local governments and their political subdivisions as a necessary method of funding public projects.

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

1. That the Legislature opposes any further restrictions by the United States Congress in federal laws or regulations that prevent or limit the issuance of tax-exempt bonds by state and local governments and their political subdivisions.

2. That the Legislature supports the elimination of existing restrictions on the issuance of public purpose bonds.

3. That a copy of this resolution be transmitted to the Nebraska delegates in the United States Senate and House of Representatives.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

FA245
Page 26, line 7 strike $250,000 and add $434,250.
Page 26, line 9 strike $750,000 and add $1,302,750.

UNANIMOUS CONSENT - Member Excused

Messrs. Haberman and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Standing Committee amendments, AM1409, found in the Journal on page 1832 for the Seventieth Day, were considered.

Mr. Warner renewed his pending amendment, FA191, found in the Journal on page 1934, to the Standing Committee amendments.

The Warner amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Hartnett offered the following amendment to the Standing Committee amendments:
FA246
On page 1837 in the Journal, in Section 14, in line 17:
After the word "museum," delete the period and add the following new language: "and remodel and improve the existing facilities at the Strategic Air Command Museum."
In line 20 of the same section, after the word "addition," insert the words "and improvements."

The Hartnett amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Messrs. R. Johnson and Coordsen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendments, AM1442, found in the Journal on page 1837 for the Seventieth Day, were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 309A. Title read. Considered.

Standing Committee amendments, AM1395, printed separately from the Journal and referred to on page 1838 for the Seventieth Day, were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 469. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 162. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 162A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319. E & R amendments, AM7049, found in the Journal on page 1615 for the Sixty-Second Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 541. E & R amendments, AM7043, found in the Journal on page 1620 for the Sixty-Second Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 630. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 301. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 302. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 813. Placed on Select File as amended.
E & R amendments to LB 813:
AM7068

1. In lieu of the Haberman amendment, FA206, on page 166, after line 2 insert:

"It is the intent of the Legislature that one field service office be located in a community with a population of five thousand or less.".

2. In the Warner amendment, FA198, strike "Compact" and insert "Interstate Compact on Agricultural Grain Marketing".

3. In the Wesely amendment, FA194, on page 1, line 6, strike "purposes" and insert "purpose".

4. In the R. Johnson et al. amendment, AM1574, on page 1, in lines 1 and 2 after "strike" insert "the first".

5. On page 1, lines 5 to 12; page 2, lines 1 to 6; and page 218, lines 8 to 19, strike each occurrence of "1987" and insert "1988".

6. On page 1, line 10; and page 218, line 12, after "LB 716" insert ", section 8".

7. On page 2, line 6; and page 218, line 19, after "LB 1234" insert ", section 10".

8. On page 3, line 20, strike "to" and insert "for"; and in line 21 strike "for" and insert "to".

9. On page 8, line 19, strike "857,730" and insert "857,416".

10. On page 11, line 2, strike "Nebraska" and insert "State"; and in line 24 strike "4,497,402" and

insert "4,497,088".

11. On page 12, line 2, strike "8,222,718" and insert "8,222,404".

12. On page 18, line 21; and page 19, line 1, after "reduced" insert "by".

13. On page 19, lines 5 and 8, strike "to" and insert "for".

14. On page 23, line 19, after "Funds" insert "as requested by the State Department of Education".

15. On page 31, strike lines 10 to 14 and all amendments thereto and insert:

	"FY1989-90	FY1990-91
GENERAL FUND	1,657,815	1,695,416
CASH FUND	357,314	357,314
FEDERAL FUND est.	8,343,333	8,437,319
PROGRAM TOTAL	10,358,462	10,490,049".

16. Strike beginning with page 35, line 21, through page 36, line 1, and all amendments thereto and insert:

	"FY1989-90	FY1990-91
GENERAL FUND	214,137,054	219,892,358
CASH FUND	1,563,613	1,526,357
FEDERAL FUND est.	85,462,865	90,385,977
REVOLVING FUND	289,392	291,977
AGENCY TOTAL	301,452,924	312,096,669".

17. On page 53, line 10, strike "31,772,468" and insert "31,772,378".

18. On page 67, line 22, after "Fund" insert "appropriation".

19. On page 69, lines 8, 15, and 22; and page 70, lines 4, 11, 18, and 25, strike "FY1987-88 FY1988-89" and insert "FY1989-90 FY1990-91".

20. On page 78, lines 1 and 3, strike "section" and insert "provision"; and in line 5 strike the first "and" and insert a comma and after "Institutions" insert a comma.

21. On page 104, line 16, strike "457,905" and all amendments thereto and insert "522,133".

22. On page 111, line 13, strike "to" and insert "for".

23. On page 115, line 4, strike "(3)" and insert "(4)".

24. On page 118, line 4, strike "to" and insert "for"; in line 5 strike "for" and insert "to";

and in line 11 strike "PROGRAM" and insert "AGENCY".

25. On page 120, line 7, strike "to" and insert "for"; and in line 8 strike "for" and insert "to".

26. On page 122, line 5, strike "section" and insert "subsection"; in line 15 strike "to" and insert "for"; and in line 16 strike "for" and insert "to".

27. On page 124, line 12, strike "to" and insert "for"; and in line 13 strike "for" and insert "to".

28. On page 126, line 13, strike "to" and insert "for"; and in line 14 strike "for" and insert "to".

29. On page 127, strike lines 1 to 23 and all amendments thereto and insert:

	"FY1989-90	FY1990-91
GENERAL FUND	205,699,451	209,055,041
PROGRAM TOTAL	205,699,451	209,055,041

FOR INFORMATIONAL PURPOSES ONLY: The General Fund Allocation to the Board of Regents of the University of Nebraska by campus:

	FY1989-90	FY1990-91
University of Nebraska-Lincoln excluding the Institute of Agriculture and Natural Resources	68,787,610	68,568,609
Institute of Agriculture and Natural Resources	38,115,988	38,364,060
Total University of Nebraska - Lincoln	106,903,598	106,932,669
University of Nebraska Medical Center	54,409,161	54,553,229
University of Nebraska at Omaha	29,104,011	29,054,079
University of Nebraska Central Administration	6,482,681	6,515,064
Research Initiative	8,000,000	12,000,000
Minority Student Scholarship Program	800,000	-0-".

30. On page 129, line 3, strike the last comma.

31. On page 135, line 24, strike "their operating budgets" and insert "its operating budget".

32. On page 137, line 12, after "Funds" insert "shall"; and in line 15 after "Nebraska" insert "shall".

33. On page 150, line 13; and page 151, line 7, strike "Nebraska State Patrol".

34. On page 160, line 20, strike "1,110,750" and insert "1,110,795"; and in line 23 strike "1,653,646" and insert "1,653,691".

35. On page 170, strike lines 5 to 9 and all amendments thereto and insert:

	"FY1989-90	FY1990-91
GENERAL FUND	5,168,494	5,089,909
CASH FUND	3,041,685	2,031,928
FEDERAL FUND est.	10,976,348	11,176,352
AGENCY TOTAL	19,186,527	18,298,189".

36. On page 184, line 23, after "1991" insert ", to be used pursuant to section 81-15,151".

37. On page 192, line 14, strike "subdivision" and insert "subsection".

38. On page 195, line 7, strike "4,985,096" and insert "4,986,096".

39. On page 196, line 5, strike "Resources" and insert "Resource"; and in lines 22 and 25 strike the last "Cash".

40. On page 197, in lines 5 and 8 strike "Cash"; in line 7 after the last comma insert "Department of Revenue"; and in line 16 after "Analysis" insert "Laboratory".

41. On page 198, in lines 14 and 24 strike the last "Cash".

42. On page 199, line 5, strike "Cash" and insert "Education"; and in line 16 after the comma insert "Nebraska" and strike "Cash".

43. On page 201, in lines 9 and 13 strike "Cash"; in line 11 strike "Correctional" and insert "Department of Correctional Services"; and in line 17 strike "Administration" and insert "Administrative".

44. On page 203, line 7, after both commas insert "Nebraska State Patrol"; and in line 12 after the second comma insert "Nebraska".

45. On page 204, line 12, strike "Board Cash".

46. On page 205, line 13, strike "Political".

47. On page 207, line 8, after the colon

insert "State"; in line 19 strike the comma; and in line 21 after "cafeteria" insert "operations".

48. On page 209, line 20, strike "Trust".

49. On page 212, line 23, after the comma insert "State Treasurer's" and strike "Funds" and insert "Fund".

50. On page 213, line 1, strike "IRP" and insert "International"; in line 2 strike "Fee" and insert "Plan Distributive"; and in line 13 strike "Social Security".

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 212. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to provide information regarding homelessness within the State of Nebraska and to explore the future involvement of the state in the alleviation of this growing social crisis.

The number of people who are homeless is growing throughout the state. Emergency shelters consistently operate at or near their capacities, and transitional housing programs are so limited as to make vacancies rare. A census taken by the Omaha Coalition for the Homeless of emergency shelter occupancy in Omaha found that from April 1987 to April 1988 the number of homeless increased by twenty-five percent. A census conducted by the State Department of Education revealed that on one night in October of 1988, there were over six hundred homeless children throughout the state. It is commonly believed that these six hundred children represent only a small portion of all homeless children.

Through an examination of various completed studies, there are in Omaha and Lincoln alone several thousand homeless people every night. Through anecdotal information, it is known that homelessness exists in smaller communities throughout the state, however, the degree of the crisis is presently unknown.

The study shall include, but not be limited to, the following issues:

(1) The development of a data resource base which would provide information as to the demographics of homelessness throughout the state;

(2) An examination of the involvement of other states in the alleviation of homelessness. Specific areas of focus would include:

(a) State-funded coalitions for the homeless; and

(b) Financial and technical assistance programs which provide incentives and support for the development of transitional housing programs;

(3) An examination of the potential for future funding by the State of Nebraska to assist in the alleviation of homelessness; and

(4) An examination of current statutes concerning the operation of housing authorities in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 303 in the Journal. No objections. So ordered.

AM1774

1. On page 3, line 3, after the period insert "Commencing on the effective date of this act, whenever any contract for a health insurance program is negotiated or renegotiated and such health care program provides for coverage or payment for treatment of a condition or ailment, whether by full or partial reimbursement to the patient or the health care provider, such health care program shall provide for the coverage of or reimbursement for treatment of the covered condition or ailment by any health care provider licensed by the State of Nebraska and practicing within his or her scope of practice as established by the State of Nebraska.".

VISITORS

Visitors to the Chamber were 35 fourth grade students and teacher from Bennington; 74 fourth grade students and teachers from Harvey

Oaks Elementary School, Omaha; 44 fifth grade students and teacher from Albion Public School; and 33 fifth grade students and teachers from Tilden-Meadow Grove-Elkhorn Valley Schools.

ADJOURNMENT

At 6:05 p.m., on a motion by Mrs. Langford, the Legislature adjourned until 8:00 a.m., Wednesday, May 10, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 10, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 10, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Gerry S. Harris, Light of Life Foundation, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford who was excused; and Messrs. Abboud, Beyer, Conway, Coordsen, Haberman, R. Johnson, Landis, Lindsay, Lynch, McFarland, Moore, Morrissey, Schmit, Wesely, Withem, Mmes. Beck, Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 89047

DATE: May 9, 1989

SUBJECT: Constitutionality of the Homestead Exemption Provisions of LB 84, as Amended

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 as to the constitutionality of Section 8 of LB 84, the Property Tax Relief Act, as amended by AM 1711. Generally, pursuant to this amendment, owners of homestead property are eligible to receive property tax relief in the form of a reduction in the valuation of their homestead for tax year 1989, in an amount which is the greater of: (1) an exemption of the first $5400 of the actual value of the homestead; (2) an exemption under Neb.Rev.Stat. §§77-3507 to 77-3509 (Reissue 1987 and Cum. Supp. 1988) for which the owner is qualified; or (3) the 8.5 percent reduction in value provided to real and taxable personal property under the Act. Your specific question concerns whether the treatment of homestead property in this manner somehow violates either Article VIII, Sections 1 and 4, of the Nebraska Constitution, or Article III, Section 18, of the Constitution. In spite of the very limited time period which is available for us to consider your questions, we will nevertheless endeavor to provide a general response to the apparent concerns raised in your requests.

Recently, in Attorney General Opinion No. 89042, issued on April 27, 1989, we addressed certain questions with regard to the homestead exemption provision contained in LB 84 prior to its recent amendment. In this opinion, we noted that Article VIII, Section 2, of the Nebraska Constitution, expressly authorizes the provision of a homestead exemption. This section provides, in pertinent part: "The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation." Prior to 1983, the Legislature provided a general homestead exemption based on the exemption of a percentage of the value of homestead property in the state. Neb.Rev.Stat. §77-3506 (Cum. Supp. 1980) (repealed, Laws 1983, LB 396).

The potential constitutional defect which we discussed in connection with our opinion concerning LB 84 prior to its current amendment concerned the impact of the provision of a $6800 homestead exemption to all homeowners and the granting of a ten percent property tax reduction to other real property owners, such as agricultural or commercial taxpayers. In essence, under the bill as previously drafted, certain homeowners would have been subjected to disproportionate taxation in comparison to owners of

non-homestead property by virtue of the fact that they would have received a lesser percentage of relief than owners of agricultural, commercial, or other non-homestead real property. It was in this context that we noted our concern that this disparate treatment would violate Article VIII, Section 1, and could also constitute unreasonable class legislation, in violation of Article III, Section 18, of the Nebraska Constitution.

In our view, the current amendments to LB 84 (in particular, the provisions contained in Section 8), appear to eliminate the constitutional concerns expressed in our prior opinion. While it is true that homeowners with low actual valuations of property for tax purposes may receive greater relief in proportion to the values of their property than owners of higher-valued homestead properties, this has always been true in the case of legislative enactments providing for the exemption of a portion of the value of homestead property, and is consistent with the express authority granted the Legislature under Article VIII, Section 2. As to the validity of maintaining the special homestead provisions contained in Neb.Rev.Stat. §§77-3507 to 77-3509 (Reissue 1987 and Cum. Supp. 1988), we do not believe this presents any constitutional problem, as Article VIII, Section 2, allows the Legislature to provide a homestead exemption by "any classification of owners as determined by the Legislature. . ." It has never been suggested that the separate classifications of owners provided for under §§77-3507 to 77-3509 (including certain persons over age 65, certain veterans or the unremarried widows or widowers of some veterans, and certain disabled individuals) are unreasonable or arbitrary and, accordingly, we do not believe the maintenance of these exemption provisions would be found to be unconstitutional.

Finally, while it is not entirely clear from your request, it appears you are concerned that the provision of relief for certain owners of homestead property based on an 8.5 percent reduction in the valuation of such property, while providing an exemption of the first $5400 of homestead property for eligible property owners or the exemptions contained in §§77-3507 to 77-3509, would violate the above-referenced constitutional provisions.

Again, referencing our previous opinion, it appears that the recently adopted amendments to LB 84 accommodate our prior concern that, by exempting only a specified dollar amount of the value of all homestead property while providing a ten percent reduction to other non-homestead real property owners, owners of homestead property above a certain valuation would, in effect be taxed disproportionately in relation to the relief provided to owners of commercial, agricultural, or non-homestead real property, in violation of the Constitution. The bill, as amended, would seemingly

operate to preclude a situation where a taxpayer receiving relief on homestead property would, under any circumstance, receive less relief than any non-homestead property owner in proportion to the value of their property. This would appear to remove the potential constitutional objection raised in our earlier opinion in this regard.

In conclusion, it is our opinion that, based on the limitations previously stated, the provisions of LB 84, as currently amended, do not appear to be unconstitutional in relation to any of the questions which, based on our understanding of your requests, you have raised for our consideration.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-127-13

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1763

(Amendments to Final Reading Second)

1. On page 3, line 22, strike "eight and one-half" and insert "five".

2. On page 5, line 24, strike "five thousand four" and insert "three thousand two".

3. On page 6, line 4, strike "eight and one-half" and insert "five".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 109.

RESOLUTIONS

LEGISLATIVE RESOLUTION 157. Read. Considered.

LR 157 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 167. Read. Considered.

LR 167 was adopted with 28 ayes, 1 nay, and 20 not voting.

LEGISLATIVE RESOLUTION 168. Read. Considered.

LR 168 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 2192: Gale Wickersham - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 28:

Bernard-Stevens	Coordsen	Hartnett	Landis	Rogers
Beyer	Crosby	Hefner	Langford	Scofield
Byars	Dierks	Johnson, L.	McFarland	Smith
Chambers	Elmer	Kristensen	Moore	Weihing
Chizek	Goodrich	Labedz	Peterson	Wesely
	Hannibal	Lamb	Robak	

Voting in the negative, 0.

Present and not voting, 13:

Baack	Haberman	Morrissey	Schmit	Wehrbein
Barrett	Hall	Nelson	Warner	Withem
Beck	Korshoj	Schellpeper		

Excused and not voting, 8:

Abboud	Conway	Lindsay	Pirsch	Schimek
Ashford	Johnson, R.	Lynch		

The appointment was confirmed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 303. Mr. Baack renewed his pending amendment, AM1582, found in the Journal on page 2060.

The Baack amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Warner renewed his pending amendment, AM1720, found in the Journal on page 2178.

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Moore renewed his pending amendment, AM1774, found in the Journal on page 2257.

Mr. Moore withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 303A. E & R amendment, AM7066, found in the Journal on page 1968 for the Seventy-Fourth Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767. E & R amendments, AM7063, printed separately from the Journal and referred to on page 1819 for the Sixty-Ninth Day, were adopted.

Mr. Conway renewed his pending amendment, AM1638, found in the Journal on page 2027.

The Conway amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Smith renewed her pending amendment, AM1572, found in the Journal on page 2028.

The Smith amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Smith renewed her pending amendment, AM1470, found in the Journal on page 2048.

The Smith amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Hefner renewed his pending amendment, AM1471, found in the Journal on page 2064.

Mr. Hefner moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Chambers	Johnson, L.	Landis	Warner
Beck	Crosby	Johnson, R.	Moore	Wehrbein
Beyer	Elmer	Kristensen	Morrissey	Wesely
Byars	Hefner	Lamb	Peterson	

Voting in the negative, 16:

Baack	Haberman	Labedz	Robak	Schmit
Bernard-Stevens	Hall	Lindsay	Rogers	Smith
Chizek	Hartnett	Nelson	Schellpeper	Withem
	Korshoj			

Present and not voting, 11:

Conway	Goodrich	Langford	Pirsch	Scofield
Coordsen	Hannibal	McFarland	Schimek	Weihing
Dierks				

Excused and not voting, 3:

Abboud	Ashford	Lynch

The Hefner amendment lost with 19 ayes, 16 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett renewed his pending amendment, AM1529, found in the Journal on page 2081.

The Hartnett amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Hall and Mrs. Smith renewed their pending amendment, AM1624, printed separately from the Journal and referred to on page 2107.

Mr. Hall renewed his pending amendment, AM1682, found in the Journal on page 2107, to the pending Hall-Smith amendment.

The Hall amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The pending Hall-Smith amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Smith renewed the Abboud-Smith amendment, AM1739, found in the Journal on page 2156.

The Abboud-Smith amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:
AM1760

(Amendments to AM7063)

1. On page 53, line 4, strike "until January 1, 1991".

SPEAKER BARRETT PRESIDING

Mr. Schmit moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack	Conway	Hall	Labedz	Robak
Bernard-Stevens	Crosby	Hannibal	Lindsay	Rogers
Chambers	Elmer	Hartnett	Lynch	Schmit
Chizek	Goodrich	Korshoj	Morrissey	Withem

Voting in the negative, 22:

Barrett	Beck	Beyer	Byars	Coordsen

Hefner	Lamb	Peterson	Schimek	Warner
Johnson, L.	Landis	Pirsch	Scofield	Wehrbein
Johnson, R.	McFarland	Schellpeper	Smith	Wesely
Kristensen	Nelson			

Present and not voting, 4:

Dierks	Langford	Moore	Weihing

Excused and not voting, 3:

Abboud	Ashford	Haberman

The Schmit amendment lost with 20 ayes, 22 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
FA247
1. Amend AM1624, on page 19, line 5, after occasions , insert "conducted by any licensed organization"

The Hall amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Smith offered the following amendment:
FA248
add the severability clause.

The Smith amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Messrs. Lamb and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:
FA249
On AM7063, page 66, line 9, strike "fifteen" and insert "fourteen".

The Schmit amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Lynch offered the following amendment:

AM1689

(Amendments to AM7063)

1. Insert the following new section:

"Sec. 47. (1) Any sole proprietorship, partnership, or corporation, 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 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, may apply for a lottery operator's license to sell individual lottery tickets as opportunities to participate in a lottery. The burden shall be on any licensee who holds an off-premises license to show that the licensee's sales revenue meets such percentage requirement.

(2) Lottery tickets shall only be sold by a licensed lottery operator or at offices of the political subdivision or political subdivisions conducting the lottery.".

2. On page 68, after line 16 insert the following new subsection:

"(6) No lottery operator shall generate revenue from the sale of individual lottery tickets which exceeds the revenue generated from other retail sales on an annual basis. For purposes of this section, retail sales shall not include revenue generated from other charitable gaming activities authorized by Chapter 9. The department shall prescribe by rule and regulation a report to be submitted to the department by the lottery operator which will allow the department to determine compliance with this subsection.".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lynch withdrew his pending amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1775

(Amendments to the Final Reading copy)

1. Insert the following new section:

"Sec. 11. The Help Education Lead to Prosperity Act shall terminate on June 30, 1991, unless reenacted or reestablished by the Legislature.".

2. On page 1, line 2, after "Act" insert "; and to provide a termination date for such act".

3. On page 4, line 7, after the semicolon insert "and"; and strike lines 13 through 18.

Mr. Withem asked unanimous consent to print the following amendment to LB 744 in the Journal. No objections. So ordered.

AM1719

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. This act shall not be construed to impose any additional requirements on schools which, pursuant to subdivision (5) of section 79-328 and subsections (2) through (4) of section 79-1701, have elected to not comply with state requirements for accreditation or approval due to sincerely held religious beliefs.

Sec. 5. No data shall be collected on individual students, and all data generated pursuant to this act shall be kept private and confidential and shall be subject to section 79-4,157 and the General Education Provisions Act, 20 U.S.C. 1232(g) through (i), and all other provisions of state and federal laws insuring the privacy and confidentiality of information on students. Data collected and reported pursuant to this act shall be nondiscriminatory in nature and shall not pertain to the religious beliefs or personal opinions on nonacademic matters held by students.".

2. On page 1, line 4, after the semicolon insert "to provide for statutory construction; to limit the data collected as prescribed; to provide for the confidentiality of data;".

3. On page 2, line 11, after "the" insert

"academic".

4. On page 3, line 12, after "the" insert "academic"; in lines 23 and 24 strike "act as a clearinghouse for" and insert "provide"; and in line 25 strike "can manage state or local" and insert "allows local schools to make decisions about local curriculum objectives and provides guidance to the State Board of Education in regard to state".

5. On page 4, line 25, after "on" insert "academic".

6. Renumber the remaining section accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AM1569

(Amendments to the E&R amendments, AM7064)

1. Insert the following new section:

"Sec. 2. To ensure that the citizens of a county in which the proposed site is located are actively and voluntarily involved in the siting process, the developer shall take the following measures prior to submitting an application for a facility:

(1) Provide written notification to the Governor, Legislature, department, and county board of the county in which the proposed site is located and publish a notice in at least one newspaper with general circulation in the county identifying the proposed site. Failure to comply with this subdivision with respect to a given site shall bar the developer from applying for a license for a facility to be located at such site; and

(2) At least thirty days but not more than ninety days after the county board receives the notice prescribed by subdivision (1) of this section, a special election may be held in such county for the purpose of expressing whether there is community support in such county for the siting of a low-level radioactive waste facility. Such community support may be considered by the developer in determining the county in which to build a low-level radioactive waste facility.

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 specifically

between the sites. Any registered voter who is a resident of such county may vote on the question.

The special election may be called by the county board of the county in which the proposed site is located, and the date for such election shall be publicly announced within thirty days after the public identification of the site prescribed in subdivision (1) of this section.

If the date chosen for the special election is less than thirty days before a general or primary election, the special election shall be held on the same date as the general or primary election.

The ballots from the special election shall be certified to the county board of the county in which the proposed site is located.

The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund.".

2. On page 1, line 8, strike "5, 6, and 14 to 17" and insert "2, 6, 7, and 15 to 18".

3. On page 2, line 6, strike "5" and insert "6".

4. On page 7, line 7, strike "15" and insert "16".

5. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on a Governor appointment.

Revenue
Kipton P. Hirschbach, Nebraska Agricultural Land Valuation Advisory Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 767A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. E & R amendments, AM7067, printed separately from the Journal and referred to on page 2121 for the Seventy-Eighth Day, were adopted.

Messrs. Withem and Hartnett asked unanimous consent to replace their pending amendment, AM1653, found in the Journal on page 2042, with a substitute amendment. No objections. So ordered.

Messrs. Withem and Hartnett withdrew their pending amendment, AM1653, found in the Journal on page 2042.

Messrs. Withem and Hartnett renewed their substitute amendment, AM1749, found in the Journal on page 2218.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Withem-Hartnett amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM1671, found in the Journal on page 2176.

Mr. Hall withdrew his pending amendment.

Mrs. Labedz renewed her pending amendment, AM1743, found in the Journal on page 2223.

Mr. Morrissey and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

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 requests a record vote.

J. Robert Duncan - Nebraska Arts Council
Pauline M. Dye - Nebraska Arts Council
Susan K. Renken - Nebraska Arts Council
Ann L. Spence - Nebraska Arts Council

Vote: Aye - Senators Beck, Elmer, Hall, Hartnett, R. Johnson, and Smith. Absent - Senators Kristensen and Labedz.

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LR 167. No objections. So ordered.

VISITORS

Visitors to the Chamber were 42 fourth grade students and teachers from Howard Elementary School, Fremont; 25 eighth grade students and teacher from Wakefield; 25 eighth grade students and teacher from Silver Creek; 24 third and fourth grade students and teacher from Garland Elementary School; and 31 fourth grade students and sponsor from Lincoln Elementary School, Hastings.

MOTION - Recess

Mrs. Labedz moved to recess. The motion prevailed with 18 ayes, 4 nays, 18 present and not voting, and 9 excused and not voting, and at 12:00 noon, 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. Ashford and Wesely who were excused; and Messrs. Abboud,

Chambers, Conway, Hall, McFarland, Schmit, Mmes. Labedz, Langford, and Smith who were excused until they arrive.

REPORT

Received interim report on the Interstate Agri-cultural Grain Marketing Commission from Charles R. Davis, Chairman of the Interstate Agri-cultural Grain Marketing Commission.

GENERAL FILE

LEGISLATIVE BILL 727. Title read. Considered.

Standing Committee amendments, AM1323, found in the Journal on page 1839 for the Seventieth Day, were considered.

Mr. Landis renewed his pending amendment, AM1705, found in the Journal on page 2178, to the Standing Committee amendments.

The Landis amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Warner renewed the pending Wesely amendment, AM1607, found in the Journal on page 1987.

The Wesely 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 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Standing Committee amendment, AM1450, found in the Journal on page 1839 for the Seventieth Day, was considered.

Mr. Warner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Standing Committee amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 815. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 816. 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 816A. 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 525. Title read. Considered.

Standing Committee amendments, AM1512, found in the Journal on page 1951 for the Seventy-Third Day, were considered.

SPEAKER BARRETT PRESIDING

Mr. Moore requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA250

Section 1. There is hereby appropriated (1) $2,164,152 from the General Fund and $3,296,741 from federal funds for the period July 1, 1989, to June 30, 1990, and (2) $2,164,152 from the General Fund

and $3,296,741 from federal funds for the period July 1, 1990, to June 30, 1991, to the Department of Social Services, for Program 348, to provide for rate increases for noninstitutional medical providers.

Pending.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Bracket LB 525

Mr. Lynch moved to bracket LB 525 until May 15, 1989.

Messrs. Hefner, L. Johnson, Schmit, Lamb, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch withdrew his pending motion to bracket.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 352. Placed on Select File.

LEGISLATIVE BILL 355. Placed on Select File as amended.
E & R amendments to LB 355:
AM7069

1. On page 1, line 11, after the second semicolon insert "to provide for the collection and credit of fees as prescribed;"; and in line 13 after the semicolon insert "to provide severability;".
2. On page 6, line 19, after "oath" insert "or affirmation".
3. On page 8, line 17, after "as" insert "a".
4. On page 9, line 16, strike "such".
5. On page 11, line 16, strike "he or she" and insert "the medication assistant".

LEGISLATIVE BILL 355A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

AM1778

(Amendments to Final Reading copy)

1. On page 33, line 8; page 43, lines 14 and 15; page 123, lines 2 and 3; page 159, lines 8 and 9; and page 171, line 12, strike "the Administrative Procedure Act" and insert "section 55 of this act".

2. On page 165, lines 10 and 11, strike "the Administrative Procedure Act", show as stricken, and insert "section 55 of this act".

Messrs. Withem and Hartnett asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1780

1. On page 57, strike line 22 and insert "GENERAL FUND 374,175 374,585"; and strike line 24 and insert "PROGRAM TOTAL 381,793 382,204".

2. On page 58, lines 1 and 4, strike "$249,847" and insert "$274,847"; and after line 4 insert the following new paragraph:

"There is included in the amount shown for permanent and temporary salaries and per diems $25,000 for FY1989-90 and $25,000 for FY1990-91 for the sole purpose of employment by the department of a legislative liaison and public relations expert whose duties shall include coordination of legislative activities for the department, provision of a direct line of communication between the Legislature and the department, and improvement of the department's relations with the Legislature and the citizens of Nebraska and the department's public image.".

3. On page 60, strike line 24 and insert "GENERAL FUND 3,924,248 4,167,153".

4. On page 61 strike line 2 and insert

21 "AGENCY TOTAL 11,414,585 9,959,385".

GENERAL FILE

LEGISLATIVE BILL 525. Mr. Landis withdrew his pending amendment, AM1690, found in the Journal on page 2107.

The pending Standing Committee amendment, FA250, found in this day's Journal, was renewed.

The first Standing Committee amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

The second Standing Committee amendment is as follows:
FA251

Sec. 2. There is hereby appropriated (1) $2,649,662 from the General Fund and $4,036,338 from federal funds for the period July 1, 1989, to June 30, 1990, and (2) $2,649,662 from the General Fund and $4,036,338 from federal funds for the period July 1, 1990, to June 30, 1991, to the Department of Social Services, for Program 348, to provide for rate increases for hospitals.

The second Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The third Standing Committee amendment is as follows:
FA252

Sec. 3. The State Treasurer is hereby directed to transfer $50,000,000 from the General Fund to the Securities Act Cash Fund on or before July 15, 1989. It is the intent of the Legislature that the amount transferred by this section be invested in United States treasury bills and treasury notes. It is the intent of the Legislature that investments be made with maturities that maximize interest return, with (1) twenty percent of transferred funds to be available as cash for transfer approximately two years from July 31, 1989, (2) twenty percent available approximately three years from July 31, 1989, (3) twenty percent available approximately four years from July 31, 1989, (4) twenty percent available approximately five years from July 31, 1989, and (5) twenty percent available approximately six years from July 31, 1989. It further is the intent of the Legislature to transfer amounts described in subdivisions (1) through (5) of this section, including accrued interest generated by that amount, in a manner to be determined by future Legislatures.

Mr. Korshoj 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. Warner moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Warner requested a roll call vote on the pending Standing Committee amendment.

Voting in the affirmative, 23:

Abboud	Dierks	Johnson, L.	Pirsch	Smith
Barrett	Elmer	Johnson, R.	Rogers	Warner
Beck	Goodrich	Langford	Schimek	Wehrbein
Coordsen	Hannibal	Lynch	Scofield	Weihing
Crosby	Hefner	Peterson		

Voting in the negative, 22:

Baack	Chizek	Korshoj	Lindsay	Nelson
Bernard-Stevens	Conway	Kristensen	McFarland	Robak
Byars	Haberman	Labedz	Moore	Schellpeper
Chambers	Hall	Lamb	Morrissey	Withem
	Hartnett	Landis		

Excused and not voting, 4:

Ashford	Beyer	Schmit	Wesely

The third Standing Committee amendment lost with 23 ayes, 22 nays, and 4 excused and not voting.

The Chair declared the call raised.

The fourth Standing Committee amendment is as follows:
FA253

Sec. 4. There is hereby appropriated $2,375,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $4,320,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Treasurer, for Program 120, for state aid to municipalities.

The fourth Standing Committee amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

The fifth Standing Committee amendment is as follows:
FA254

Sec. 5. There is hereby appropriated $2,256,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $4,105,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the State Treasurer, for Program 149, for state aid to counties.

The fifth Standing Committee amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

The sixth Standing Committee amendment is as follows:
FA255

Sec. 6. It is the intent of the Legislature that the Board of Regents of the University of Nebraska provide sufficient operating funds to address the funding problems associated with the accreditation of the State Museum at the University of Nebraska-Lincoln.

The sixth Standing Committee amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 641. Placed on General File as amended.
Standing Committee amendment to LB 641:
AM1768

1. Strike the original sections and insert the following new sections:

"Section 1. That section 2-1207.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1207.01. The amount deducted from wagers pursuant to subsection (2) of section 2-1207 shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, at the racetrack where the funds were generated. Any costs incurred by the State Racing Commission pursuant to subsection (2)

of section 2-1207 and this section shall be separately accounted for and be deducted from such funds. At least biennially the State Racing Commission, consulting with representatives of agricultural societies conducting race meets pursuant to sections 2-1201 to 2-1218, representatives of owners or owners of Nebraska-bred horses as defined in section 2-1213, and representatives of Nebraska breeder organizations, shall review and make recommendations to the Legislature regarding purse supplements, stallion awards, and breeders awards.

Sec. 2. That section 2-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1213. (1) No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the State Racing Commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the State Racing Commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant track is granted, no racing shall occur on Sunday until after 1:00 p.m.

No license shall be granted for racing on more than one racetrack in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding a license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse. No horse may compete in a race limited to Nebraska-bred horses nor shall any bonuses be paid unless the horse and the name, address, and percentage of ownership of all owners of such horse is registered with the Nebraska Thoroughbred or Quarter Horse Registry prior to the running of the race.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It must have been foaled in Nebraska; (b) its dam must have been registered, ~~prior to foaling,~~ six months prior to foaling, along with the names, addresses, and percentage of ownership of all owners with the Nebraska Thoroughbred or Quarter Horse Registry; (c) ~~its owner or owners, or, if the owner is a corporation, all stockholders thereof,~~ at least fifty percent or more of its ownership, or, if its owner is a corporation, stockholders holding at least fifty percent of the stock must have been bona fide citizens of Nebraska continually from January 1 of the year of conception through the date of foaling; and (d) its dam must have been continuously owned ~~by a bona fide citizen of Nebraska~~ as set out in subdivision (c) of this subsection and have been continuously in Nebraska for six months immediately prior to foaling, except that such six-month period may be reduced to (i) ninety days in the case of a mare in foal which is registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains herein continuously for ninety days immediately

prior to foaling or (ii) thirty days in the case of a mare in foal which is purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains in this state for thirty days immediately prior to foaling.

The requirement that a dam must be continuously in Nebraska for either six months, ninety days, or thirty days, as specified in subdivision (2)(d) of this section, shall not apply to a dam which is taken outside of Nebraska to be placed for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The State Racing Commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the State Racing Commission in the current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be established by the commission and shall not be changed without commission approval. Fees shall not exceed one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.

Sec. 3. That original sections 2-1207.01 and 2-1213, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

AM1770

1. Insert the following new sections:

"Sec. 3. That section 77-1510, Revised Statutes Supplement, 1988, be amended to read as follows:

77-1510. Appeals may be taken from any action of the county board of equalization to the district court in the following manner:

(1) The appeal shall be filed within forty-five days after adjournment of the board which shall be deemed to be May 31 of the year in which the action is taken;

(2) The appeal shall be deemed to be filed for purposes of granting jurisdiction with the filing of the petition ~~in district court~~ and praecipe for summons in the district court and the filing of a request for transcript with the county clerk. The county clerk shall prepare the transcript as soon as practicable after requested and shall deliver the same to the taxpayer for filing with the clerk of the district court upon receipt from the taxpayer of the appropriate fees for its preparation. No proceedings shall be held on the appeal of the taxpayer until the summons has been served and the transcript has been filed in district court; and

(3) A bond of no less than fifty dollars and no more than two hundred dollars, as determined by the district court, shall be filed with the petition in the form of a cash deposit or signature bond, property bond, or other bond approved by the county clerk.

After an appeal has been initiated, the board shall have no power or authority to compromise, settle, or otherwise change the action it has taken with respect to such assessment, and exclusive jurisdiction thereof shall be vested in the district court, except that the board may offer to confess judgment pursuant to section 4 of this act. No appeal shall in any manner suspend the collection of any tax~~,~~ or the duties of officers relating thereto~~,~~ during the pendency of the ~~same~~ appeal, and all taxes affected thereby, which may be

collected, shall be distributed as though no appeal were pending. If by final order of a court it is thereafter determined that such tax or a part thereof should be refunded, the county treasurer is authorized to make the refund upon receiving a certified copy of such final order, the refund to be made from funds in his or her possession or accruing to the various taxing districts to the extent which they profited from the original overpayment.

The county may cross appeal~~,~~ without giving bond~~,~~ for the reason that the actual value of the owner's property is too low and should be increased in value as of the assessment date from which the appeal was taken.

In the event that the taxpayer as a part of his or her appeal challenges the values as determined by the agricultural land valuation manual ~~as issued~~ or the validity of any other manual mandated by the Tax Commissioner, the taxpayer shall at the time of filing his or her petition give notice to the Tax Commissioner of any such challenge and serve a copy of the petition upon the Tax Commissioner by certified mail within three days of the filing of the petition, and thereafter the Tax Commissioner shall be considered a party defendant in the appeal. Notwithstanding the denominating of the Tax Commissioner as a party defendant, the Tax Commissioner shall not be required to further plead in the cause but shall have the privilege of participating in the action without the necessity of intervention. The burden of proof shall be on the taxpayer to show the defect of the values as established in the agricultural land valuation manual or the defect in any other manual prescribed by the Tax Commissioner for use by the counties. The court in its final order may, if the taxpayer has sustained his or her burden of proof, alter the valuation as established in the agricultural land valuation manual or as necessary to correct a defect in any other manual mandated by the Tax Commissioner, in which case the court shall as a part of its findings set out specifically the defect found and the factual basis supporting such finding.

Any party may appeal the final order of the district court entered pursuant to this section to the Supreme Court in the manner provided for appeals in

equity cases, and the Supreme Court shall thereafter review the case de novo on the record.

Sec. 4. After an appeal from any action of the county board of equalization is brought, the board may, with approval of the court, offer in court to confess judgment for part of the value claimed or part of the causes involved in the action. If (1) the appellant is present and refuses to accept such confession of judgment in full of his or her demands against the board in such action or if the appellant fails to attend having had reasonable notice that the offer would be made, its amount, and the time of making it and (2) at trial the appellant does not recover more than was offered to be confessed, the appellant shall pay all the costs and fees the board incurred after making the offer. The offer shall not be deemed to be an admission of the cause of action or relief to which the appellant is entitled, and the offer shall not be given in evidence at the trial.

Sec. 5. That section 77-1513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1513. Whenever any person ~~shall appeal~~ appeals to the district court from the assessment of his or her property as fixed by the county board of equalization~~,~~ and the appeal ~~shall be~~ is sustained in whole or in part, the costs of such appeal, including costs of witnesses, ~~if any, shall be paid by the county wherein such property is situated~~ may be taxed by the court as it deems just. ~~In case~~ If the appeal is not sustained in whole or in part~~, the costs shall be paid by the appellant~~ or if a cross appeal by the board is sustained in whole or in part, the cost of such appeal or cross appeal, including costs of witnesses, may be taxed by the court as it deems just. Whenever any person ~~shall appeal~~ appeals from the assessment of another as fixed by the county board of equalization~~,~~ and ~~said~~ the appeal ~~shall be~~ is sustained in whole or in part, the costs of such appeal ~~shall~~ may be taxed to the appellee. If ~~; and where~~ the appeal is not sustained, the costs ~~shall~~ may be taxed to the appellant~~,~~ unless the appellant ~~shall be~~ is the county assessor or county clerk~~,~~ in which case the costs shall be paid by the county.

Sec. 6. That original section 77-1513, Reissue Revised Statutes of Nebraska, 1943, and section 77-1510, Revised Statutes Supplement, 1988, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Insert underscoring as necessary.

Mr. Warner asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

FA256

1. Sec. 7. The State Treasurer is hereby directed to transfer $-0- from the General Fund to the Securities Act Cash Fund on or before July 15, 1989. It is the intent of the Legislature that the amount transferred by this section be invested in United States treasury bills and treasury notes. It is the intent of the Legislature that investments be made with maturities that maximize interest return, with (1) twenty percent of transferred funds to be available as cash for transfer approximately two years from July 31, 1989, (2) twenty percent available approximately three years from July 31, 1989, (3) twenty percent available approximately four years from July 31, 1989, (4) twenty percent available approximately five years from July 31, 1989, and (5) twenty percent available approximately six years from July 31, 1989. It further is the intent of the Legislature to transfer amounts described in subdivisions (1) through (5) of this section, including accrued interest generated by that amount, in a manner to be determined by future Legislatures.

2. Renumber the remaining section.

Mr. Landis asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

FA257

Strike Section 4 of AM1512

SELECT FILE

LEGISLATIVE BILL 588. The pending Labedz amendment, AM1743, found in the Journal on page 2223, and considered in this day's Journal on page 2272, was considered.

Mrs. Labedz moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 20:

Barrett	Dierks	Hefner	Langford	Schellpeper
Byars	Elmer	Johnson, L.	Lynch	Warner
Coordsen	Goodrich	Johnson, R.	Peterson	Wehrbein
Crosby	Haberman	Lamb	Rogers	Weihing

Voting in the negative, 23:

Abboud	Chambers	Korshoj	McFarland	Schimek
Baack	Chizek	Kristensen	Moore	Scofield
Beck	Conway	Labedz	Morrissey	Smith
Bernard-Stevens	Hall	Landis	Nelson	Withem
	Hartnett	Lindsay	Pirsch	

Present and not voting, 2:

Hannibal Robak

Excused and not voting, 4:

Ashford Beyer Schmit Wesely

The Labedz amendment lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

PRESIDENT NICHOL PRESIDING

Mrs. Labedz renewed her pending amendment, AM1744, found in the Journal on page 2225.

Mrs. Labedz moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Crosby	Haberman	Johnson, R.	Morrissey	Schellpeper
Dierks	Hannibal	Lamb	Peterson	Warner
Elmer	Hefner	Langford	Rogers	Weihing
Goodrich	Johnson, L.	Lindsay		

Voting in the negative, 19:

Abboud	Chambers	Hartnett	Landis	Scofield
Baack	Chizek	Korshoj	McFarland	Wehrbein
Beck	Conway	Kristensen	Pirsch	Withem
Bernard-Stevens	Hall	Labedz	Schimek	

Present and not voting, 8:

Barrett	Coordsen	Moore	Robak	Smith
Byars	Lynch	Nelson		

Excused and not voting, 4:

Ashford	Beyer	Schmit	Wesely

The Labedz amendment lost with 18 ayes, 19 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz renewed her pending amendment, AM1764, found in the Journal on page 2228.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1008

1. Insert the following new section:

"Sec. 3. That section 44-3904, Reissue Revised Statutes of Nebraska, 1943, as amended by section 244, Legislative Bill 92, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

44-3904. All licensees qualified to solicit property and casualty insurance shall be required to complete twenty-four hours of approved continuing education activities in each two-year period. All licensees qualified to solicit assessment association insurance shall be required to complete twelve hours of approved continuing education activities in each two-year period. Licensees qualified to solicit only crop insurance, or only fidelity and surety insurance, ~~or only title insurance~~ shall be required to complete three hours of approved continuing education activities in each two-year period. Licensees qualified to solicit any other lines of insurance shall be required to complete six hours of approved continuing education activities in each two-year period for each line of insurance, including each miscellaneous line, in which he or she is licensed. In each two-year period, every licensee shall furnish evidence to the director that he or she has satisfactorily completed the required hours of approved continuing education activities for each line of insurance in which he or she is licensed as a resident agent or broker, except that no licensee shall be required to complete more than twenty-four cumulative hours in any two-year period. Licensees who are neither agents nor brokers shall be required to complete twenty-four hours of continuing education activities in each two-year period. Evidence of completion for the current two-year period shall be retained by each licensee and submitted to the department when the requirements of this section have been met.".

2. On page 10, line 17, after the last comma insert "and section 44-3904, Reissue Revised Statutes of Nebraska, 1943, as amended by section 244, Legislative Bill 92, Ninety-first Legislature, First Session, 1989,".

3. Renumber the remaining section accordingly.

Mmes. Nelson and Schimek asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

FA258

Sec. 2 page 2 No abortion shall be performed upon a pregnant woman unless written notification of the pending abortion has been delivered in the manner prescribed in this section at least forty eight hours to one of the fathers parent's prior to the performance of the abortion.

Mr. Withem asked unanimous consent to print the following amendment to LB 228 in the Journal. No objections. So ordered.

AM1795

(Amendments to Final Reading copy)

1. On page 2, line 8, after "shall" insert "not exceed five percent of the balance of the general fund of the school district and shall".

Mr. Hefner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1786

1. On page 88, lines 22 and 23, strike "261,711,807" and insert "257,507,607".
2. On page 89, line 19, strike "$213,680,907" and insert "$198,680,907".
3. On page 90, line 11, strike "328,734,931" and insert "324,530,731"; and in line 13 strike "328,817,364" and insert "324,613,164".

VISITORS

Visitors to the Chamber were 32 fourth through sixth grade students and sponsor from Kearney; and 50 fourth grade students and teachers from Blair.

ADJOURNMENT

At 5:04 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 8:00 a.m., Thursday, May 11, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 11, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 11, 1989

Pursuant to adjournment, the Legislature met at 8:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Thomas Saddler, Christ Temple Mission, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Lindsay, Wesely, and Withem who were excused; and Messrs. Abboud, Byars, Chambers, Haberman, Hall, R. Johnson, Landis, Lynch, McFarland, Morrissey, Schmit, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2264, on line 17, after "LB 767" insert "E & R amendments, AM7063, printed separately from the Journal and referred to on page 1819 for the Sixty-Ninth Day, were adopted."
The Journal for the Eighty-First Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1757.)

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 167, LR 157, and LR 168.

RESOLUTION

LEGISLATIVE RESOLUTION 160. Read. Considered.

LR 160 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mrs. Smith moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 2273: J. Robert Duncan, Pauline M. Dye, Susan K. Renken, and Ann L. Spence - Nebraska Arts Council.

Voting in the affirmative, 25:

Baack	Coordsen	Hannibal	Lamb	Schellpeper
Bernard-Stevens	Crosby	Hartnett	Langford	Scofield
Beyer	Dierks	Johnson, L.	Nelson	Smith
Chizek	Elmer	Korshoj	Robak	Warner
Conway	Goodrich	Kristensen	Rogers	Wehrbein

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Hefner	Peterson	Schimek	Weihing
Barrett	Moore			

Excused and not voting, 17:

Abboud	Haberman	Landis	McFarland	Schmit
Beck	Hall	Lindsay	Morrissey	Wesely
Byars	Johnson, R.	Lynch	Pirsch	Withem
Chambers	Labedz			

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 817. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 211. Title read. Considered.

Messrs. Hartnett and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA259
Page 3, line 17, after 28-320, add "(1) and (2)"

SPEAKER BARRETT PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Baack	Chambers	Haberman	Kristensen	Schellpeper
Bernard-Stevens	Conway	Hall	Landis	Smith
	Elmer	Korshoj	Morrissey	Wehrbein

Voting in the negative, 11:

Beyer	Johnson, L.	Labedz	Langford	Scofield
Byars	Johnson, R.	Lamb	Pirsch	Warner
Hefner				

Present and not voting, 16:

Ashford	Chizek	Crosby	Goodrich	Lynch
Barrett	Coordsen	Dierks	Hannibal	McFarland

Moore	Peterson	Robak	Schimek	Weihing
Nelson				

Excused and not voting, 8:

Abboud	Hartnett	Rogers	Wesely	Withem
Beck	Lindsay	Schmit		

The Chambers amendment lost with 14 ayes, 11 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Langford moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Revenue

Governor Appointment Thursday, May 18, 1989 1:15 p.m.
Nebraska Agricultural Land Valuation Advisory Board
Doralene E. Weed
Kipton P. Hirschbach

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

AM1792

1. Strike original section 4 and insert the following new sections:

"Section 1. That section 33-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-150. (1) The State Treasurer shall credit to the General Fund of the state fifteen percent of all fees remitted to the state treasury by the state boards of examiners in medicine and surgery, chiropractic,

respiratory care, dentistry, including fees from dental hygienists, dietetics and nutrition, social work, athletic training, massage therapy, professional counseling, optometry, pharmacy, embalming and funeral directing, including fees received from funeral establishments as well as embalmers and funeral directors, podiatry, and veterinary medicine, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Examiners for Professional Engineers and Architects, ~~the State Athletic Commissioner,~~ the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned ~~above,~~ in this subsection if and when fifteen percent of all such fees remitted into the treasury is appropriated or reappropriated to the General Fund ~~of the state~~ by the Legislature for the uses and purposes of the General Fund during any biennium.

(2) Nothing in subsection (1) of this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund, ~~and~~ funds of the State Racing Commission, or funds of the State Athletic Commissioner.

Sec. 5. Sections 1, 5, and 6 of this act shall become operative on their effective date. The other sections of this act shall become operative on January 1, 1990.

Sec. 6. That original section 33-150, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 769. The pending Rogers motion, found in the Journal on page 2148, to reconsider the Labedz motion, found in the Journal on page 2066, to suspend the rules and vote on the advancement of LB 769 without further amendment or debate, was renewed.

Mr. Coordsen asked unanimous consent to be excused until he returns. 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.

Mrs. Labedz moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz requested a roll call vote on the Rogers motion to reconsider.

Voting in the affirmative, 25:

Barrett	Dierks	Hartnett	Lamb	Robak
Beyer	Elmer	Hefner	Langford	Schellpeper
Chizek	Goodrich	Johnson, L.	McFarland	Schmit
Conway	Haberman	Kristensen	Peterson	Smith
Crosby	Hall	Labedz	Pirsch	Wehrbein

Voting in the negative, 16:

Ashford	Byars	Landis	Morrissey	Scofield
Baack	Chambers	Lynch	Nelson	Warner
Bernard-Stevens	Hannibal	Moore	Schimek	Weihing
	Johnson, R.			

Present and not voting, 1:

Korshoj

Excused and not voting, 7:

Abboud	Coordsen	Rogers	Wesely	Withem
Beck	Lindsay			

The Rogers motion to reconsider prevailed with 25 ayes, 16 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Labedz motion to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3 and vote on the advancement of LB 769 without further amendment or debate, was reconsidered.

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. Bernard-Stevens moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Labedz motion to suspend the rules.

Voting in the affirmative, 26:

Barrett	Crosby	Hall	Lamb	Pirsch
Beyer	Dierks	Hartnett	Langford	Robak
Byars	Elmer	Hefner	McFarland	Schellpeper
Chizek	Goodrich	Johnson, L.	Moore	Schmit
Conway	Haberman	Kristensen	Peterson	Wehrbein
Coordsen				

Voting in the negative, 17:

Ashford	Chambers	Labedz	Nelson	Smith
Baack	Hannibal	Landis	Schimek	Warner
Bernard-Stevens	Johnson, R.	Lynch	Scofield	Weihing
	Korshoj	Morrissey		

Excused and not voting, 6:

Abboud	Lindsay	Rogers	Wesely	Withem
Beck				

The Labedz motion to suspend the rules lost with 26 ayes, 17 nays, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved to bracket LB 769 until Jan. 3, 1990.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to bracket.

Voting in the affirmative, 21:

Ashford	Byars	Johnson, R.	Moore	Scofield
Baack	Chambers	Korshoj	Morrissey	Smith
Barrett	Coordsen	Landis	Nelson	Warner
Bernard-Stevens	Haberman	Lynch	Schimek	Weihing
	Hannibal			

Voting in the negative, 20:

Beyer	Dierks	Johnson, L.	Langford	Robak
Chizek	Goodrich	Kristensen	McFarland	Schellpeper
Conway	Hall	Labedz	Peterson	Schmit
Crosby	Hartnett	Lamb	Pirsch	Wehrbein

Present and not voting, 1:

Elmer

Excused and not voting, 7:

Abboud	Hefner	Rogers	Wesely	Withem
Beck	Lindsay			

The Bernard-Stevens motion to bracket lost with 21 ayes, 20 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch, Chizek, Hall, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1784
1 PURPOSE: To increase the amount provided to serve

clients waiting for services from community-based mental retardation programs by $500,000 General Funds in FY1989-90 and FY1990-91 and to earmark $400,000 for services to children in FY1989-90 and FY1990-91.

1. On page 66, lines 24 and 25, strike all occurrences of "22,578,454" and insert "23,078,454".

2. On page 67, lines 4 and 7, strike "$22,578,474" and insert "$23,078,454"; in lines 10 and 11 strike "$500,000" and insert "$1,000,000"; in line 14 after "services" insert ", which shall only by used for such purpose"; and after line 14 insert:

"It is the intent of the Legislature that at least $400,000 of the $1,000,000 General Funds appropriated for FY1989-90 and at least $400,000 of the $1,000,000 General Funds appropriated for FY1990-91 to serve individuals waiting for community-based mental retardation services shall be expended for services to children twenty-one years of age and younger.".

3. On page 76, line 1, strike "75,485,854 77,722,912" and insert "75,985,854 78,222,912"; and in line 4 strike "119,226,549 120,770,230" and insert "119,726,549 121,270,230".

VISITORS

Visitors to the Chamber were 28 fourth grade students and teacher from West Park School, Columbus; 12 ninth and eleventh grade students and teacher from Odell; 30 fourth grade students and teachers from Wood River; Dorota and Krzysztof Komornicki from Poland; and Orville Gottula, Larry Brayman, George Lutzi, George Moats, Norm Hubertus, and Ray Wilson.

RECESS

At 11:53 a.m., on a motion by Mr. Landis, 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 Messrs. Hannibal, Lindsay, Wesely, and Withem who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Chizek, Lynch, McFarland, Schellpeper, Schmit, Mmes. Beck, Labedz, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 814. Placed on Select File as amended.
E & R amendments to LB 814:
AM7070

1. On page 20, line 15, after the comma insert "and"; and in line 16 strike "that" and insert "than".

2. On page 21, line 8, strike "1989-91" and insert "1989-90 and 1990-91".

3. On page 24, line 12, after "1990" insert ", for such purpose".

4. On page 29, line 16, strike "which place" and insert "pursuant to section 77-2602 which places"; and in line 18 strike "each" and insert ", each fiscal".

5. On page 34, line 2, strike "Nebraska".

6. On page 37, line 12, strike "June" and insert "July"; and in lines 18 and 23 strike "Nebraska-Lincoln" and insert "Nebraska".

7. On page 41, line 20, after "and" insert "the"; and in line 21 strike "at Omaha".

LEGISLATIVE BILL 308. Placed on Select File as amended.
E & R amendments to LB 308:
AM7072

1. In the Hartnett amendment, FA246, line 4, strike "Strategic Air Command Museum" and insert "museum".

2. On page 1, line 2, strike "6" and insert "29"; in line 4 after the second comma insert "35,"; in line 5 strike "and" and insert a comma and after "change" insert ", and eliminate"; and in line 7 after "sections" insert ", and also Laws 1987, LB 781, section 28".

3. On page 22, line 24; page 23, line 17; and page 25, line 23, after "aid" insert an underscored comma.

Correctly Engrossed

The following bill was correctly engrossed: 817.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 639. Title read. Considered.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Baack withdrew his pending amendment, AM1576, found in the Journal on page 2055.

Mr. R. Johnson moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM1796 to LB 639.
(Amendment on file in the Clerk's Office - Room 2018 - AM1796.)

Messrs. Lamb, Dierks, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson withdrew his pending motion to suspend the rules.

Advanced to E & R for Review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 272. Title read. Considered.

Mr. Landis withdrew his pending amendment, AM0834, printed separately from the Journal and referred to on page 1315.

Standing Committee amendments, AM0535, found in the Journal on page 849 for the Thirty-Third Day, were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Landis renewed his pending amendment, AM1174, printed separately from the Journal and referred to on page 1645.

The Landis amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Standing Committee amendments, AM0812, found in the Journal on page 1076 for the Forty-Fourth Day, were considered.

Mr. Haberman renewed his pending amendment, AM1049, found in the Journal on page 1484, to the Standing Committee amendments.

The Haberman amendment was adopted with 21 ayes, 0 nays, 17 present and not voting, and 11 excused and not voting.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Hall withdrew the pending Chizek et al. amendment, AM1154, printed separately from the Journal and referred to on page 2109.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely, Morrissey, Coordsen, and Mrs. Smith asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1602

Purpose: To provide additional child welfare employees.

1. On page 77, line 5, strike "29,092,977" and insert "29,421,652" and strike "29,767,737" and insert "30,079,972"; in line 7 strike "40,488,590" and insert "40,570,758" and strike "43,379,391" and insert "43,457,450"; in line 8 strike "69,767,067" and insert "70,177,910" and strike "73,332,628" and insert

"73,722,922"; in line 10 strike "$39,372,798" and insert "$39,699,632"; and in line 13 strike "$39,383,368" and insert "$39,726,545".

2. On page 86, line 17, strike "196,303,760" and insert "196,632,435" and strike "210,819,930" and insert "211,132,165"; in line 19 strike "296,162,968" and insert "296,245,136" and strike "321,469,155" and insert "321,547,214"; and in line 20 strike "492,942,228" and insert "493,353,071" and strike "532,764,585" and insert "533,154,879".

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 10, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Funk, Christine - Lincoln	Planned Parenthood of Lincoln
Goings, Tina L. - Lincoln (Withdrawn 89/05/08)	International Association of Credit Card Investigators (Withdrawn 89/05/08)
Lombardi, Richard/American Communications Group	
Lombardi, Richard A. - Lincoln	Nebraska Association of Substance Abuse Director
Van Pelt, Mark - Omaha (Withdrawn 89/05/08)	International Association of Credit Card Investigators (Withdrawn 89/05/08)

GENERAL FILE

LEGISLATIVE BILL 215. 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 377. Title read. Considered.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 258. 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.

SELECT FILE

LEGISLATIVE BILL 780. E & R amendments, AM7036, found in the Journal on page 1580 for the Sixty-First Day, were adopted.

Mr. Hall renewed his pending amendment, AM0857, found in the Journal on page 1482.

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:

Abboud	Conway	Hartnett	Lynch	Schellpeper
Ashford	Goodrich	Johnson, R.	Morrissey	Schmit
Baack	Haberman	Kristensen	Robak	Scofield
Bernard-Stevens	Hall	Labedz	Rogers	Weihing

Voting in the negative, 15:

Barrett	Coordsen	Hefner	Landis	Nelson
Byars	Crosby	Johnson, L.	McFarland	Warner
Chambers	Dierks	Korshoj	Moore	Wehrbein

Present and not voting, 4:

Elmer	Langford	Pirsch	Schimek

Excused and not voting, 10:

Beck	Chizek	Lamb	Peterson	Wesely
Beyer	Hannibal	Lindsay	Smith	Withem

The Hall amendment lost with 20 ayes, 15 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett offered the following Smith amendment:
AM1210

1. Insert the following new section:

"Sec. 10. That section 53-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-134. (1) 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)~~ (a) To cancel, revoke, or suspend for cause retail or bottle club licenses to sell or dispense alcoholic ~~liquors~~ liquor issued to persons for premises within its jurisdiction~~,~~ subject to the right of appeal as provided in section 53-1,116;

~~(2)~~ (b) 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)~~ (c) 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)~~ (d) 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)~~ (e) 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; and

~~(6)~~ (f) 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, adopted, and promulgated relating to alcoholic ~~liquors~~ liquor. Such order of cancellation or revocation shall be subject to appeal as provided in section 53-1,116. ~~; and~~

~~(7)~~ (2) 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 the issuance, 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 or deliver 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 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 required in this section shall be paid by the commission from the security for costs.".

2. On page 26, line 19, after "(1)" insert "(a)".

3. On page 30, line 9, after the last comma insert "53-134,".

4. Renumber the remaining sections accordingly.

The Smith amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 95. E & R amendments, AM7042, found in the Journal on page 1581 for the Sixty-First Day, were adopted.

Mr. Landis renewed his pending amendment, AM1216, found in the Journal on page 1530.

The Landis amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 762. E & R amendments, AM7040, found in the Journal on page 1582 for the Sixty-First Day, were adopted.

Mr. Coordsen renewed his pending amendment, AM1308, found in the Journal on page 1586.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM1333, found in the Journal on page 1623.

Mr. Hall renewed his pending amendment, AM1331, found in the Journal on page 1625.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

The Hall amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Messrs. Peterson and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 280. E & R amendments, AM7039, found in the Journal on page 1582 for the Sixty-First Day, were adopted.

Mr. Rogers renewed the pending Lamb amendment, AM1619, found in the Journal on page 2017.

The Lamb amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Kristensen renewed the pending Smith amendment, AM1254, found in the Journal on page 1875.

The Smith amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendment to LB 309:
AM7075

1. On page 1, line 2, strike the first comma and insert "and"; strike beginning with "81-1341.01" in line 2 through the first comma in line 3; strike beginning with "salaries" in line 4 through "terms" in line 5 and insert "terms and conditions"; in line 6 strike "provide" and insert "eliminate provisions relating to"; and in line 8 after "sections" insert ", and also sections 81-1341.01 and 81-1341.03, Revised Statutes Supplement, 1988".

LEGISLATIVE BILL 309A. Placed on Select File as amended.
E & R amendments to LB 309A:
AM7074

1. In the Standing Committee amendments, AM1395:

a. On page 9, line 5, strike "50,107" and insert "50,087"; and in line 8 strike "98,090" and insert "98,070";

b. On page 48, after line 24 insert "PROGRAM TOTAL 27,420 63,181";

c. On page 52, after line 7, insert "Program No. 577 - Nebraska Commission on the Status of Women";

d. On page 59, line 15; and page 60, lines 6 and 10, after "Agriculture" insert "at Curtis";

e. On page 60, line 3, strike "it" and insert "its"; and

f. On page 80, line 18, strike "TOTAL" and insert "FUND".

2. On page 1, line 1, after "ACT" insert "relating to state employees; to provide for salary increases as prescribed; to define terms;"; and strike beginning with the second "to" in line 1 through "1989" in line 3.

LEGISLATIVE BILL 469. Placed on Select File as amended.
E & R amendments to LB 469:
AM7071

1. On page 2, line 8, strike "68-619", show as stricken, and insert "68-618".

2. On page 3, line 21, strike "Social Security".

LEGISLATIVE BILL 727. Placed on Select File as amended.
E & R amendments to LB 727:
AM7076

1. In the Wesely amendment, AM1607, on page 1, line 3, strike "to assess" and insert "assessing".

2. On page 1, line 4, strike "appropriations" and insert "transfers"; and in line 5 after the semicolon insert "to create a fund; to require the State Energy Office to prepare a report;".

3. On page 5, line 17, before "All" insert "(1)".

4. On page 6, line 10, strike "(1)" and insert "(2)".

5. On page 7, line 6, strike "(2)" and insert "(3)".

LEGISLATIVE BILL 305. Placed on Select File.

LEGISLATIVE BILL 310. Placed on Select File as amended.
E & R amendment to LB 310:
AM7073

1. On page 1, line 3, after the first semicolon insert "to provide for transfers of funds as prescribed;".

LEGISLATIVE BILL 815. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

Correctly Engrossed

The following bills were correctly engrossed: 162, 162A, and 311.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 162

The following changes, required to be reported for publication in the Journal, have been made:
ER6182

1. On page 1, line 4, "control" has been inserted after "damage".

Enrollment and Review Changes to LB 311

The following changes, required to be reported for publication in the Journal, have been made:
ER6181

1. In the Scofield amendment, AM1596, on page 2, line 9, "section" has been struck and "subdivision" inserted.
2. In the Scofield amendment, AM1648, on page 1, line 11, "Nebraska" has been struck and "of Nebraska" has been inserted after "Constitution"; in line 16 "Nebraska" has been struck; and in line 17 "of Nebraska" has been inserted after "Constitution".
3. In the Landis amendment, AM1620, on page 2, line 5, "subaccounts" has been struck and "accounts" inserted.
4. In the E and R amendments, AM5096, amendment 7 has been struck.
5. On page 1, line 3, "and" has been struck and "and 84-1409," has been inserted after the second comma; in line 5 "81-15,149," has been struck; and in line 13 "to create a fund; to provide powers and duties;" has been inserted after the semicolon.
6. On page 9, line 10, "works" has been struck and "facilities" inserted.
7. On page 13, line 9, "or" has been inserted after the last comma.
8. On page 16, line 7, "rehabilitation," has been inserted after the second comma.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

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

LEGISLATIVE BILL 137A. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 213. Introduced by Crosby, 29th District; Ashford, 6th District; Langford, 36th District.

WHEREAS, numerous national studies have exposed the extent of geographic illiteracy among the American public, including students at all grade levels; and

WHEREAS, a similar lack of geographic knowledge is evident among Nebraska youth; and

WHEREAS, geographic knowledge is important because we are living in an increasingly complex global environment and an increasingly interdependent global economy; and

WHEREAS, economic and environmental issues which develop in various parts of the world transcend national boundaries and thus affect the quality of our life; and

WHEREAS, to be informed citizens and effective business, educational, and political leaders, it is essential that citizens be geographically literate; and

WHEREAS, to address this educational need in Nebraska, geographic educators have taken a number of steps, including the formation of a coalition of concerned persons from the State Department of Education, the Lincoln and Omaha public schools, the University of Nebraska-Lincoln, the University of Nebraska at Omaha, and Kearney State College; and

WHEREAS, to improve geographic education in Nebraska will require significant cooperation, financial effort, and involvement from these institutions and other organizations; and

WHEREAS, the National Geographic Society, recognizing the costs associated with the improvement of geographic education, has made planning grants available to selected states for the development of geographic alliances; and

WHEREAS, geographic educators of Nebraska intend to submit an application in August 1989 to the National Geographic Society for such a planning grant.

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

1. That the Legislature commends the efforts of geographic educators of Nebraska for initiating plans to strengthen and improve geographic education in Nebraska's elementary and secondary school programs.

2. That the Legislature encourages these Nebraska educators in their future efforts to improve geographic education.

3. That the Legislature endorses the application to the National Geographic Society for a planning grant and the establishment of a formal state geographic alliance which will then entitle Nebraska to seek subsequent funding and utilize National Geographic Society resources and materials.

Laid over.

SELECT FILE

LEGISLATIVE BILL 444. E & R amendment, AM7038, found in the Journal on page 1583 for the Sixty-First Day, was adopted.

Mr. Hall renewed the pending Lindsay amendment, AM1688, printed separately from the Journal and referred to on page 2127.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

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. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 36 not voting.

Mr. Hall requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 18:

Abboud	Baack	Crosby	Hall	Johnson, R.
Ashford	Conway	Goodrich	Hartnett	Kristensen

Labedz	Pirsch	Schellpeper	Wehrbein	Weihing
Lynch	Rogers	Schmit		

Voting in the negative, 13:

Byars	Haberman	Landis	Moore	Nelson
Coordsen	Johnson, L.	Langford	Morrissey	Scofield
Elmer	Korshoj	McFarland		

Present and not voting, 3:

Chambers	Dierks	Schimek

Excused and not voting, 15:

Barrett	Beyer	Hefner	Peterson	Warner
Beck	Chizek	Lamb	Robak	Wesely
Bernard-Stevens	Hannibal	Lindsay	Smith	Withem

The Lindsay amendment lost with 18 ayes, 13 nays, 3 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 640. E & R amendments, AM7046, found in the Journal on page 1620 for the Sixty-Second Day, were adopted.

Mr. Baack renewed his pending amendment, AM1625, found in the Journal on page 2057.

The Baack amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 182A, 301, 302, 541, and 630.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 182A

The following changes, required to be reported for publication in the Journal, have been made:
ER6185
1. On page 1, line 4, "; and to provide a duty for the Department of Social Services" has been inserted after "1989".

Enrollment and Review Change to LB 541

The following changes, required to be reported for publication in the Journal, have been made:
ER6184
1. In the E and R amendments, AM7043, on page 1, line 14, "a term" has been struck and "terms" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 137. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 444. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 653. E & R amendments, AM7044, found in the Journal on page 1621 for the Sixty-Second Day, were adopted.

Pending.

VISITORS

Visitors to the Chamber were Chris, Claire, and Audy Jensen from Minden; 31 fourth grade students and teacher from Seedling Mile School, Grand Island; 11 fourth, fifth, and sixth grade students and teacher from Waco; 17 eighth grade students and sponsor from Fremont; 50 fourth grade students and teacher from Blair; 38 eighth grade students and teachers from O'Neil; 25 seventh grade students and teacher from Fremont; and 40 seventh, eighth, and ninth grade students and teacher from Lexington Junior High.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, May 15, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 15, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 15, 1989

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Beck who was excused; and Messrs. Ashford, Baack, Chizek, Conway, Haberman, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2316, line 23, strike "penidng" and insert "pending".
The Journal for the Eighty-Second Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 816. Placed on Select File.
LEGISLATIVE BILL 816A. Placed on Select File.

LEGISLATIVE BILL 525. Placed on Select File as amended.
E & R amendments to LB 525:
AM7077

1. On page 1, strike beginning with "museums" in line 1 through "prescribed" in line 4 and insert "appropriations; to appropriate funds to the Department of Social Services to provide for rate increases for noninstitutional medical providers and for hospitals; to appropriate funds for state aid to municipalities and counties; to state intent".

2. Strike original sections 1 to 3.

Correctly Engrossed

The following bills were correctly engrossed: 303 and 303A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 303

The following changes, required to be reported for publication in the Journal, have been made:

ER6183

1. For purposes of correlation with section 2, LB 326, in the Baack amendment, AM1582:

a. Original section 7 has been struck and the following new section inserted:

"Sec. 7. That section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First session, 1989, be amended to read as follows:

81-8,239.01. (1) For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska, which shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201, ~~11-201.01, 11-202,~~ to 11-203, 13-911, 25-2165, 44-1615, 44-1616, ~~44-1622, 44-1623, 44-1630,~~ 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager

and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and ~~to~~ establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and ~~to~~ authorize payment for such purchase out of the appropriate funds created by ~~sections 44-1630 and~~ section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, and 44-1622~~, 44-1623, and 44-1630~~ and section 1 of this act;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska and the University of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of sections 11-201~~, 11-201.01, 11-202,~~ to 11-203, 13-911, 25-2165, 44-1615, 44-1616, ~~44-1622, 44-1623, 44-1630,~~ 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.06, and 81-8,300 and section 1 of this act and ~~to~~ make appropriation requests for the administration of the Risk

Management Program and the funding of the separate funds administered by the Risk Manager."; and

b. On page 8, line 11, "and" has been inserted after the second comma and the last "and" has been struck and "Reissue Revised Statutes of Nebraska, 1943, and section" inserted; and in line 12 "as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989," has been inserted after the last comma.

2. In the Baack amendment, AM1582, on page 2, line 7, "and" has been struck, shown as stricken, and an underscored comma inserted.

3. On page 1, the matter beginning with "health" in line 1 through "1943" in line 3 has been struck and "life and health insurance; to amend sections 44-1620, 44-1620.01, 44-1622 to 44-1623, and 44-1630, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989; to authorize a fee" inserted; in line 5, "to change duties of and provide duties for the Department of Personnel and the Risk Manager as prescribed; to harmonize provisions;" has been inserted after the semicolon; and in line 6 "section" has been struck and "sections" inserted.

4. On page 2, lines 14 and 23, "two-" has been struck, shown as stricken and "two-party" inserted.

Enrollment and Review Change to LB 303A

The following changes, required to be reported for publication in the Journal, have been made:
ER6186

1. In AM1263, on page 45, line 20, "366,060" has been struck and "366,061" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

May 12, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 812 was received in my office on May 9, 1989.

This bill was signed by me on May 12, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of April, 1989, from the Nebraska 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 160.

RESOLUTION

LEGISLATIVE RESOLUTION 211. Read. Considered.

LR 211 was adopted with 29 ayes, 0 nays, and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 289A. 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.

MOTION - Return LB 175 to Select File

Mr. McFarland moved to return LB 175 to Select File for his specific amendment, AM1627, found in the Journal on page 2025.

The McFarland motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 175. The McFarland specific amendment, AM1627, found in the Journal on page 2025, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mr. Hall moved to suspend Rule 7 §3(d) to permit consideration of FA260 to LB 175, as follows:
FA260

14-1005. (1) Any vacancy occurring in the board of directors shall be filled for the unexpired term by the remaining members thereof within thirty days after the vacancy shall occur. It is the intent and purpose, but not the inducement, of sections 14-1001 to 14-1032, to render the board of directors nonpartisan in character.

(2) Before entering upon their offices, members of the board of directors shall give bond for the faithful performance of their duties in the amount of five thousand dollars each, which bond must be filed with the secretary of the metropolitan water district and be approved by the board of directors, or by a judge of the district court of the judicial district including the metropolitan city, before the day fixed for assuming the duties of office.

(3) The chairperson of the board of directors of a metropolitan water district or a metropolitan utilities district or a Metropolitan Transit Authority shall be paid, as compensation for his or her services, not to exceed the sum of six hundred dollars per month. Each of the other members of the board of directors shall be paid, as compensation for his or her services, not to exceed the sum of five hundred dollars per month. Any adjustments in compensation shall be made only at regular meetings of the board of directors, and the salaries of the chairperson and other members of such board shall not be increased more often than once in any calendar year. The authority to increase compensation granted pursuant to this section shall become operative on the effective date of this Act.

(4) The chairperson and other members of such board of directors shall also be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch 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 roll call vote on his motion to suspend the rules.

Voting in the affirmative, 25:

Abboud	Goodrich	Korshoj	Lindsay	Schellpeper
Ashford	Hall	Kristensen	Lynch	Schmit
Chizek	Hannibal	Labedz	Morrissey	Wehrbein
Coordsen	Hartnett	Lamb	Robak	Weihing
Elmer	Johnson, R.	Landis	Rogers	Withem

Voting in the negative, 12:

Barrett	Conway	Hefner	Moore	Schimek
Beyer	Crosby	Johnson, L.	Pirsch	Smith
Byars	Haberman			

Present and not voting, 8:

Chambers	Langford	Nelson	Scofield	Wesely
Dierks	McFarland	Peterson		

Excused and not voting, 4:

Baack	Beck	Bernard-Stevens	Warner

The Hall motion to suspend the rules lost with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

MOTION - Return LB 182 to Select File

Mr. Coordsen moved to return LB 182 to Select File for his specific amendment, AM1673, found in the Journal on page 2088.

The Coordsen motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182. The Coordsen specific amendment, AM1673, found in the Journal on page 2088, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 228 to Select File

Mr. Withem moved to return LB 228 to Select File for his specific amendment, AM1795, found in the Journal on page 2291.

The Withem motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 228. The Withem specific amendment, AM1795, found in the Journal on page 2291, 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.

WITHDRAW - Amendment to LB 285

Messrs. Withem, Beyer, and Hartnett withdrew their pending amendment, AM1588, found in the Journal on page 1983, to LB 285.

MOTION - Return LB 285 to Select File

Mr. Lamb moved to return LB 285 to Select File for his specific amendment, AM1656, found in the Journal on page 2078.

The Lamb motion to return prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 285. The Lamb specific amendment, AM1656, found in the Journal on page 2078, 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.

MOTION - Return LB 285 to Select File

Mr. Beyer moved to return LB 285 to Select File for the following Beyer-Withem-Hartnett specific amendment:
AM1722

(Amendments to the Final Reading copy)

1. On page 137, line 6, after "Nebraska"
insert ", except that two or more counties may, with the permission of the director, establish a separate facility to jointly conduct the examinations for such licenses".

The Beyer motion to return prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 285. The Beyer-Withem-Hartnett specific amendment, AM1722, found in this day's Journal, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 285 to Select File

Mr. Abboud moved to return LB 285 to Select File for his specific amendment, AM1778, found in the Journal on page 2277.

Messrs. McFarland and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

The Abboud motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 285. The Abboud specific amendment, AM1778, found in the Journal on page 2277, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 285A to Select File

Mr. Lamb moved to return LB 285A to Select File for his specific amendment, AM1754, found in the Journal on page 2202.

The Lamb motion to return prevailed with 26 ayes, 5 nays, 15 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.

SELECT FILE

LEGISLATIVE BILL 285A. The Lamb specific amendment, AM1754, found in the Journal on page 2202, 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 312 to Select File

Mr. Withem moved to return LB 312 to Select File for his specific amendment, AM0270, found in the Journal on page 798.

The Withem motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312. The Withem specific amendment, AM0270, found in the Journal on page 798, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 312A to Select File

Mr. Withem moved to return LB 312A to Select File for his specific amendment, AM0512, found in the Journal on page 860.

The Withem motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312A. The Withem specific amendment, AM0512, found in the Journal on page 860, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 336 to Select File

Mr. Withem moved to return LB 336 to Select File for his specific amendment, AM1405, found in the Journal on page 1739.

The Withem motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 336. The Withem specific amendment, AM1405, found in the Journal on page 1739, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 340A to Select File

Mr. Chambers moved to return LB 340A to Select File for his specific amendment, AM1543, found in the Journal on page 1967.

The Chambers motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 340A. The Chambers specific amendment, AM1543, found in the Journal on page 1967, 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 - Amendment to LB 744

Mr. Withem withdrew his pending amendment, AM1610, found in the Journal on page 2050, to LB 744.

MOTION - Return LB 744 to Select File

Mr. Withem moved to return LB 744 to Select File for his specific amendment, AM1719, found in the Journal on page 2269.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem motion to return prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 744. The Withem specific amendment, AM1719, found in the Journal on page 2269, 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.

MOTION - Return LB 323 to Select File

Mr. Landis moved to return LB 323 to Select File for his specific amendment, AM1654, found in the Journal on page 2104.

The Landis motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 323. The Landis specific amendment, AM1654, found in the Journal on page 2104, 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.

MOTION - Return LB 423 to Select File

Mr. Landis moved to return LB 423 to Select File for his specific amendment, AM1398, found in the Journal on page 1737.

The Landis motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 423. The Landis specific amendment, AM1398, found in the Journal on page 1737, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 487 to Select File

Mr. Lamb moved to return LB 487 to Select File for his specific amendment, AM1105, found in the Journal on page 1569.

The Lamb motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 487. The Lamb specific amendment, AM1105, found in the Journal on page 1569, 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 211.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

AM1562

1. Insert the following new sections:

"Section 1. That section 72-1248, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1248. ~~Interest~~ All interest, premium, and other income received from investments pursuant to

subsection (1) of section 72-1244 shall be credited to the General Fund. All interest, premium, and other income received from investments pursuant to subsection (2) of section 72-1244 of funds other than cash funds shall be credited to the fund from which the investment was made. Of the interest, premium, and other income received from investments pursuant to subsection (2) of section 72-1244 of cash funds, eighty percent shall be credited to the General Fund and twenty percent shall be credited to the fund from which the investment was made. Whenever an investment is made on behalf of two or more funds, the interest, ~~premiums~~ premium, and other income received shall be prorated in accordance with the participation of the respective funds.

Sec. 2. That original section 72-1248, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber remaining sections accordingly.

Mr. Landis and Ms. Scofield asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1787

1. On page 184, after line 23 insert:

"The General Fund appropriation to the Wastewater Treatment Facilities Construction Loan Fund and the total appropriation to the Wastewater Treatment Facilities Construction Loan Fund shall be reduced by $300,000 in FY1989-90 if Legislative Bill 311, Ninety-first Legislature, First Session, 1989, becomes law. There is hereby appropriated $300,000 in FY1989-90 to Program 523 - Wastewater Loan Fund for the purpose of financing wastewater treatment facility grants for municipalities with a population of eight hundred inhabitants or less which demonstrate serious financial hardship if Legislative Bill 311, Ninety-first Legislature, First Session, 1989, becomes law. The funds set aside for grants to small communities shall not be commingled with funds deposited in the Wastewater Treatment Facilities Construction Loan Fund.".

2. On page 205, lines 3 and 4, strike "Wastewater Treatment Facilities Construction Loan Fund,".

3. On page 211, line 24, after "Fund" insert ", Wastewater Treatment Facilities Construction Loan Fund".

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Monday, May 22, 1989 1:00 p.m.
Nebraska Arts Council
Mary Cabela
Claudette Valentine

(Signed) Jacklyn Smith, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 211. Placed on Select File as amended.
E & R amendment to LB 211:
AM7078

1. On page 1, line 4, after "for" insert "certain offenses involving" and strike "of a child".

LEGISLATIVE BILL 639. Placed on Select File as amended.
E & R amendments to LB 639:
AM7080

1. Insert the following new sections:

"Sec. 8. That section 81-1273, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1273. The Legislature finds and declares:

(1) That the availability of business development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and the creation of new businesses;

(2) That the Nebraska Business Development Center, a department of the University of Nebraska at Omaha, shall provide business development services through a network of small business development centers at Chadron State College, Kearney State College, Peru State College, University of Nebraska at Lincoln, University of Nebraska at Omaha, and Wayne State College;

(3) That business development services may be augmented through specialized research and technical assistance services; and

(4) That the ~~Small Business~~ Existing Business Assistance Division of the Department of Economic Development shall coordinate, ~~administrate~~ administer, and support the delivery of such services. ~~; and~~

~~(5) That there should be appropriated $121,000 for fiscal year 1987-88 to the Small Business Division to carry out the Business Development Partnership Act.~~

Sec. 9. That section 81-1274, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1274. There is hereby created the Business Development Services Program in the ~~Small Business~~ Existing Business Assistance Division of the Department of Economic Development. The division shall be responsible for the administration of the program and shall have the power and authority to contract for services as provided in sections 81-1275 and 81-1276.

Sec. 10. That section 81-1275, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1275. The ~~Small Business~~ Existing Business Assistance Division shall contract with the Nebraska Business Development Center to administer, manage, and deliver regional small business services, and the Nebraska Business Development Center shall:

(1) Provide such services as close as possible to small businesses through a network of small business development centers located in Omaha, Lincoln, Kearney, Wayne, North Platte, Scottsbluff or Gering, Chadron, Peru, and such other communities as the ~~Small Business~~ Existing Business Assistance Division shall determine based on the applications of communities desiring to be the location of a small business development center. In determining the location of small business development centers, the ~~Small Business Division~~ division shall consider several factors, including, but not limited to: (a) Preexisting small business development centers; (b) geographic accessibility; and (c) existing resources such as building space and office equipment or the willingness of a community to provide some or all of those resources. The ~~Small Business Division~~ division

shall prescribe the form of the application for location of a small business development center and take all actions necessary in the processing of such applications;

(2) Integrate activities funded through the Business Development Partnership Act with those funded by the United States Small Business Administration or any other program supporting the Nebraska small business development centers;

(3) Furnish one-to-one individual counseling to small businesses;

(4) Assist in technology transfer, research, and coupling from existing sources to small businesses;

(5) Maintain current information concerning federal, state, and local regulations that affect small businesses and counsel small business on methods of compliance;

(6) Coordinate and conduct research into technical and general small business problems for which there are no ready solutions;

(7) Provide and maintain a comprehensive library that contains current information and statistical data needed by small businesses;

(8) Maintain a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

(9) Conduct indepth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality; and

(10) Provide other services as determined in consultation with the ~~Small Business~~ Existing Business Assistance Division.

Sec. 11. That section 81-1276, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1276. The ~~Small Business~~ Existing Business Assistance Division may contract with any postsecondary institution of higher education, community organization, governmental agency or entity, or any other profit or

nonprofit entity to provide specialized research, technology development assistance, technology transfer services, financial packaging or leveraging services, human resources development services, or such other specialized services as the ~~Small Business Division~~ division deems necessary if preference is given to entities based in or operating in Nebraska.

Sec. 12. That section 81-1277, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1277. The ~~Small Business~~ Existing Business Assistance Division shall require, as a condition of contracts awarded under the Business Development Services Program, satisfactory quarterly reports from recipients describing services provided, clients served, and expenditures. The ~~Small Business Division~~ division shall provide an annual report to the Legislature which describes services provided under the Business Development Partnership Act, analyzes the impact of the services, makes recommendations regarding the services, and evaluates the performance of service deliverers.".

2. On page 1, line 4, strike "and" and after the last comma insert "81-1273, 81-1274, 81-1275, 81-1276, and 81-1277,"; in line 6, strike "provide" and insert "rename"; and in line 7 strike "new" and insert "renamed".

3. On page 2, line 6, strike the comma and show as stricken; in line 7 after "divisions" insert "and program"; in line 13 strike the new matter and reinstate the stricken matter; and in line 14 reinstate "program,".

4. On page 9, line 25, strike "and" and after the last comma insert "81-1273, 81-1274, 81-1275, 81-1276, and 81-1277,".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 272. Placed on Select File as amended.
E & R amendments to LB 272:
AM7081

1. In the Landis amendments, AM1174:

a. On page 2, lines 8 and 15, strike the first "or" and after "for" insert an underscored comma;

b. On page 3, line 9, strike the first "or"

and insert an underscored comma and after "used" insert an underscored comma;

c. On page 8, lines 3 and 19, strike "licensing" and insert "required"; and in line 8 after "for" insert "a";

d. On page 9, line 7, strike "1" and insert "(1)";

e. On page 10, lines 22 and 23, strike "the person" and insert "himself or herself";

f. On page 19, line 24, strike "where" and insert "when";

g. On page 21, line 7, strike the comma; and

h. On page 22, line 2, after "Insurance" insert "; or"; and in line 4 strike "on and after March 1, 1990, a".

2. On page 1, line 5, after the second semicolon insert "to adopt the Mortgage Bankers Registration and Licensing Act; to provide an operative date; to provide severability;".

3. On page 2, line 12, strike "8-823, 8-826 to" and show as stricken and after the third comma insert "or"; and strike beginning with the last comma in line 12 through "45-142" in line 13 and show as stricken.

4. On page 5, lines 9, 11 and 12, and 15, strike "Department of Veteran's Affairs" and insert "United States Department of Veterans Affairs".

LEGISLATIVE BILL 137. Placed on Select File.

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendments to LB 215:
AM7079

1. On page 15, line 6, strike "who", show as stricken, and insert "which".

2. On page 24, line 18, after "adopted" insert "and promulgated".

LEGISLATIVE BILL 377. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 84. No objections. So ordered.

VISITORS

Visitors to the Chamber were 46 fourth grade students and teacher from Lincoln Public School, Fremont; 51 eighth grade students and teachers from Centura School (Boelus, Cairo, and Dannebrog); five students and teachers from Ralston Middle School; 60 fourth grade students and teachers from Parkview Heights Elementary, LaVista; four fourth grade students and teachers from Carriage Hill School, Papillion; and 55 sixth grade students and teacher from Longfellow School, Hastings.

RECESS

At 12:02 p.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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Beck who was excused; and Messrs. Abboud, Ashford, Chambers, Haberman, Hannibal, L. Johnson, Lynch, McFarland, Warner, Wehrbein, Withem, Mrs. Langford, Mses. Schimek, and Scofield who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

May 3, 1989

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.

Marilyn R. Mitchell, P.O. Box 52, Norfolk, NE 68702, (402) 371-1760.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 3, 1989

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.

Vera Dulaney, Scottsbluff County Clerk, Gering, NE 69341, (308) 436-6600.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

April 7, 1989

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.

Jim L. Carr, 2400 N Street, Lincoln, NE 68510, (402) 476-8888

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORT OF THE EXECUTIVE BOARD

1989 Resolutions Calling For a Study

LR 40 The advisability of legislating the transfer of authority of the Douglas County Fair Board to the Douglas County Board for the purpose of purchasing and operating the property of Ak-Sar-Ben. Agriculture

LR 41 The Ethanol Authority and Development Board's progress in reviewing applications and awarding grants or loans pursuant to the Ethanol Authority and Development Act. Natural Resources

LR 51 The current method of campaign financing and campaign spending and methods of limiting both spending and contribution levels in state office elections. Government, Military and Veterans Affairs

LR 54 To conduct an interim study hearing in North Platte, Hastings, and Lincoln to determine if legislation should be enacted to assist in keeping the state's vital railroad revenue links operating. Transportation

LR 65 The regulation of family day care homes, its improvements and alternatives to current regulatory process, and how other states regulate family day care. Health and Human Services

LR 68 A study of gangs and drug trafficking in Omaha. Judiciary

LR 71 The various retirement systems administered by the state as well as the retirement systems authorized or required by subdivisions of government. Nebraska Retirement Systems

LR 72 The effects of granting school employees membership service credit for years of military service under the State School Retirement System. Nebraska Retirement Systems

LR 78 Regarding the pricing of gasoline; how price is determined, effect of supply and demand, takeovers on price, and factors affecting pricing. Banking, Commerce and Insurance

LR 80 Adolescent inpatient chemical dependency treatment; funding alternatives and current facilities offering adolescent inpatient chemical dependency treatment. Health and Human Services

LR 81 To create a State Institutional Care Review Committee (Health and Human Services Committee) to conduct an indepth study and examination of institutions operated by the State of Nebraska where persons reside on a full-time basis. Health and Human Services

LR 84 The feasibility of, cost of, and issues related to allowing the courts to make an order committing all juveniles (under Section 43-247) to the Department of Social Services. Judiciary

LR 85 To review the Nebraska Gasohol and Energy Development Act for content and for relevance to and compatibility with the Ethanol Authority and Development Act. Natural Resources

LR 86 Regarding the Federal Insecticide, Fungicide, and Rodenticide Act - to study whether and under what conditions Nebraska should assume administration. Agriculture

LR 87 The feasibility, administration, costs, or savings of and issues regarding the addition of a seasonal employee

disqualification provisions to the unemployment insurance statutes. Business and Labor

LR 88 To determine whether legislation is needed to regulate fundraising activities of private companies. Banking, Commerce and Insurance

LR 89 Regarding solid waste management and disposal, a study to provide feasible and economical options for eliminating municipal solid waste by converting it into a usable source of electric energy. Natural Resources

LR 90 Regarding service contracts, to review existing statutes regulating service contracts and to determine what changes need to be made, if any, for future legislation. Banking, Commerce and Insurance

LR 91 Regarding the property taxation system administration, a study to determine if eliminating the political aspects of current state equalization process in favor of a more professional board is appropriate. Revenue

LR 92 A review of the fire protection district statutes. Urban Affairs

LR 93 Regarding permitting cities and villages to use local sources of revenue to finance economic and industrial development projects, to provide the Legislature with a clear picture of how this would work and what restrictions would be placed upon municipal exercise of the economic development authority. Urban Affairs

LR 94 To investigate the extent of the problem of municipal water supply pollution and determine the best means of approaching a solution to the problem consistent with the concerns of agricultural and industrial interests. Urban Affairs

LR 95 To provide a forum for municipalities and their representatives to present issues which would be the subject of future legislation or to solicit their reaction to proposals which have been presented to the Urban Affairs Committee. The goal would be to determine if such preliminary review could streamline the hearing process

and permit an expedited review of urban-oriented legislation. Urban Affairs

LR 96 An assessment of conditions that exist with regard to sanitary and improvement districts and to determine what changes or improvement are necessary to ensure current and future districts operate effectively. Urban Affairs

LR 98 The ability of school districts and other state or local governmental agencies or political subdivisions to obtain criminal history information for purposes of employing, supervising, licensing, or certifying teachers, child or day care providers, school bus drivers, and other employees. Government, Military and Veterans Affairs

LR 99 The establishment of a family court system; the costs and mechanics involved. Judiciary

LR 100 Regarding discipline to students for behavior occurring both on and off school grounds; a study to determine if the imposition of discipline for offenses have impacted the schools and the advisability of restoring such authority to help schools cope with increasing teenage behavior problems off campus which impact the schools. Education

LR 102 Regarding student employment; a study to determine what changes, if any, are needed in existing labor laws in order to facilitate the academic success of these students. Business and Labor

LR 104 To investigate the current police pension program in cities of the first class and determine what changes are necessary to eliminate current police concerns about the level of pension benefits they will receive. Nebraska Retirement Systems

LR 106 The economic development on Indian reservations in Nebraska and to review what the State can do to stimulate economic growth on the reservations. Banking, Commerce and Insurance

LR 107 The mandatory retirement system for all police officers in second-class cities. Nebraska Retirement Systems

LR 108 The issues involved in providing supplemental health insurance and cost-of-living adjustments for retired teachers. Nebraska Retirement Systems

LR 110 To determine whether the State of Nebraska should regulate organic growers by enforcing product certification standards or whether it should be carried out by the international Organic Crop Improvement Association. Agriculture

LR 111 To evaluate the procedures for establishing a special protection area under the Nebraska Ground Water Management and Protection Act. Natural Resources

LR 112 To determine the feasibility of educating all handicapped children in their resident school district. Education

LR 113 Regarding small business incubators; review of designating space for incubators, study strengths and weaknesses of various incubator models, and impact of successful incubators on other existing businesses in the community. Government, Military and Veterans Affairs

LR 114 The feasibility of implementing a job training program for individuals receiving unemployment compensation. Business and Labor

LR 116 The feasibility of adopting a rule which would limit the work week to four session days for conducting the business of the Legislature. Rules

LR 117 To determine if the funding and agency powers for the agriculture promotion and development program in the Department of Agriculture are adequate for the purposes intended. Agriculture

LR 118 To assess the future of the Nebraska College of Technical Agriculture at Curtis if Kearney State College becomes part of the University of Nebraska. Education

LR 119 To evaluate the ability of the state laboratory to meet livestock disease, feed and agricultural chemical, seed, dairy and food, and ground water testing demands

imposed by state and federal laws or made by producers. Agriculture

LR 120 To evaluate the benefits of the Employment Expansion and Investment Incentive Act and the Employment Investment Growth Act for rural areas and small communities in Nebraska. Revenue

LR 121 To evaluate the agricultural lending program of the Nebraska Investment Finance Authority. Banking, Commerce and Insurance

LR 122 To study state and federal rules and regulations governing underground and aboveground petroleum storage tanks. Natural Resources

LR 123 To study the abuse of anabolic steroids by Nebraska high school and college youth. Judiciary

LR 124 The need for legislation to amend the Mobile Home Landlord and Tenant Act and other statutes relating to mobile home parks, the feasibility of requiring all mobile home parks to build civil defense approved storm shelters accessible to all residents, and the necessity of requiring the Department of Health to monitor and establish minimum standards for water pressure and water quality in mobile home parks. Health and Human Services

LR 125 To determine if changes in procedures are necessary relating to the regulation of auctioneers and, if so, whether such changes should include licensure of auctioneers. Banking, Commerce and Insurance

LR 126 The feasibility of utilizing federal medicaid funds to pay sixty percent of the cost of educationally related services for medicaid-eligible handicapped children. Appropriations

LR 127 The state's highway system and the proposed construction needs of the system. Transportation

LR 128 All matters concerning veterans, veterans' affairs, veterans' needs, and proper levels of involvement and

participation by state government in meeting the needs of veterans. Government, Military and Veterans Affairs

LR 129 Possible improvement necessary in Nebraska's insurance statutes in order to provide better administration of the laws and greater protection of consumers. Banking, Commerce and Insurance

LR 130 To solicit the input of interested citizens and organizations for the preparation of possible amendments regarding leases of goods to the Uniform Commercial Code. Banking, Commerce and Insurance

LR 131 To solicit the input of interested citizens and organizations for the preparation of possible amendments to the Uniform Unclaimed Property Act. Banking, Commerce and Insurance

LR 132 Minimum level of prevention and early intervention services that should be available statewide to at-risk children, and recommendations for funding, coordinating, and affixing responsibility at the state level for providing these services. Select Committee on Children and Families/Education/Health and Human Services

LR 133 To define the respective roles and responsibilities of the child-serving agencies, and to solicit recommendations regarding agency roles and responsibilities from interested members of the public. Select Committee on Children and Families

LR 134 Liability limits for volunteer and professional rescue squad personnel, emergency medical technicians, firefighters, and law enforcement officers. Judiciary

LR 135 Examine bidding practices and antitrust provisions in the delivery of health care delivery services to ensure quality health care and products. Judiciary

LR 136 To review effectiveness and policies of the Nebraska Building Energy Conservation Standard and the Building Energy Conservation Standards Board. Government, Military and Veterans Affairs

LR 137 At-risk students who are prone to alcohol abuse arising from substance abuse, home and family problems, and problems with the law. General Affairs

LR 138 Impact of all forms of intrastate simulcasting. General Affairs

LR 139 Good faith negotiations concerning the Indian Gaming Regulatory Act. General Affairs

LR 140 Determine the relevance of the Nebraska Liquor Control Act in its present form. General Affairs

LR 141 Provisions in the Nebraska Liquor Control Act relating to tourism. General Affairs

LR 142 Requirement notices of various public meetings and official proceedings. Government, Military and Veterans Affairs

LR 143 Establish the structure of the Gaming Commission. General Affairs

LR 144 Examine issues associated with the Comprehensive Health Insurance Pool (CHIP). Banking, Commerce and Insurance/Health and Human Services

LR 145 Waiting periods applied to the purchase of handguns and assault weapons. Judiciary

LR 146 Collisions or loss damage waivers sold by car rental companies related to financial responsibility for the operation of motor vehicles. Transportation

LR 147 Examine issues related to titling, registration, and operation of motor vehicles. Transportation

LR 148 Implementation of the minimum federal requirements of the licensure of operators of commercial motor vehicles created by the Commercial Motor Vehicle Safety Act. Transportation

LR 149 Review of statutes relating to divorce. Judiciary

LR 150 Examination of the Department of Public Institution relating to present and future needs. Health and Human Services

LR 151 To evaluate the need for certificated school counselors in the public elementary schools. Education

LR 152 Minimal health standards not currently applicable to the dental laboratory industry or the dental technician profession. Health and Human Services

LR 153 Availability of health programs for children not eligible for health care services. Health and Human Services

LR 154 Needs of caregivers to the elderly. Health and Human Services

LR 155 Standards for special care units for victims of Alzheimer's disease and related disorders. Health and Human Services

LR 156 The need for and review of the provision of human service programs and the health status of the state's citizens. Health and Human Services

LR 158 Study use and scheduling of legislative time. Special Committee by Executive Board

LR 159 Determine establishing an insurance pool for the purpose of providing an effective method of increasing coverage for individuals under the age of sixty-five who do not have health insurance. Banking, Commerce and Insurance/Health and Human Services

LR 161 The feasibility and workability of the Farm Labor Contractors Act. Business and Labor

LR 162 To study the current status of computer availability to students in postsecondary institutions. Education

LR 163 To study the laws pertaining to pornography. Judiciary

LR 164 To study the reimbursement by health insurance companies for services provided by chiropractors. Banking, Commerce and Insurance

LR 165 The feasibility of enacting legislation which would require school buses to have safety seat belts for children. Education

LR 166 The feasibility of permitting hunting on the side of country roads. Natural Resources

LR 169 To explore the future involvement of the state in the alleviation of the growing social crisis of the homeless in Nebraska. Health and Human Services

LR 170 Continuing care retirement communities in Nebraska. Health and Human Services

LR 171 Effectiveness and desirability of continuing funding for school weatherization from the severance tax. Education

LR 172 Current state statutes relating to public accountability and disclosure of lobbying activities. Government, Military and Veterans Affairs

LR 173 To examine and formulate public policy on the use of snowmobiles. Transportation

LR 174 Current provisions of law relating to abandoned motor vehicles. Transportation

LR 175 To study the development and utilization of standard voter registration forms and the creation of a master list of all registered voters in the state. Government, Military and Veterans Affairs

LR 176 To review and study matters relating to the Nebraska Hospital-Medical Liability Act. Judiciary

LR 177 To study Nebraska's overall tax system, exemptions, and a more consistent in promoting the tax policy of the state. Revenue

LR 178 To examine sales tax exemptions in Nebraska. Revenue

LR 179 To study the history, interpretation,and policy behind the uniformity clause. Revenue

LR 180 To study the operations of the Nebraska Center for Children and Youth. Health and Human Services

LR 181 To study the facilities maintained by the Department of Correctional Services. Judiciary

LR 182 To study provisions of the Asbestos Control Act and its implementation of rules and regulations adopted and promulgated by the Department of Health. Health and Human Services

LR 183 To study the availability, quality, and coordination of early childhood education and child care in communities throughout Nebraska. Education/Health and Human Services

LR 184 To study private-partnerships in education. Education

LR 185 To study educational accountability systems. Education

LR 186 To study teacher training in human relations and cultural diversity. Education

LR 187 To study sentencing disparity and the use of sentencing guidelines in Nebraska's criminal justice system. Judiciary

LR 188 Study issues regarding clinical training of students studying the practice of chiropractic. Health and Human Services

LR 189 Study a replacement system for the present school finance system with a system which shares the income tax base with school districts to provide property tax relief. Education/Revenue

LR 190 Study of the profession of financial planning to determine need for more comprehensive regulations. Banking, Commerce and Insurance

LR 191 Study of the Legislature's committee structure and appropriation process. Special Committee by Executive Board

LR 192 To examine whether alternative sentences can be used to improve the lot of crime victims and increase the responsibility of persons convicted of crimes to their victims without deprecating the offenses involved. Judiciary

LR 193 Issues affecting water quality in the state. Natural Resources

LR 194 Review of statutes regarding hazardous and toxic wastes. Natural Resources

LR 195 To develop a plan for solid waste management in the state with emphasis on problems of solid waste management confronting rural communities. Natural Resources

LR 196 Review of the Nebraska Gasohol Committee and the Ethanol Authority and Development Board. Natural Resources

LR 197 Review legislation and statutes regarding underground petroleum storage tanks. Natural Resources

LR 198 Examination of state laws regarding interstate and intrastate transfers of ground and surface water. Natural Resources

LR 199 To study degradable products. Natural Resources

LR 200 To investigate how cases involving crimes against children are prosecuted in Nebraska. Judiciary

LR 201 To evaluate and develop economic development policies and programs to assist businesses and communities throughout the state. Banking, Commerce and Insurance

LR 202 To study circuit breaker programs and determine the possibility of implementing such a program in Nebraska. Revenue

LR 203 To study the regulation of health and fitness clubs in Nebraska and to identify potential protections needed to ensure that membership dues are refunded when such operations cease. Health and Human Services

LR 204 To evaluate child care services in the state and make recommendations as to the implementation of any new federal programs concerning child care. Health and Human Services

LR 205 To provide a continuing review of statutes relating to the management and disposal of low-level radioactive waste in the state. Natural Resources

LR 206 A study of lands owned by the state and managed by the Board of Educational Lands and Funds to determine if such lands should be sold and proceeds invested in a manner which would provide a greater return on investment. Education

LR 207 To review and monitor proposed accreditation rules for elementary and secondary schools. Education

LR 208 A study to determine the impact and affects by the decisions of the Central Nebraska Public Power and Irrigation District regarding water flow control and dam water levels to the residents of Keith, Lincoln and Dawson counties. Natural Resources

LR 209 To assess the ability of the Department of Environmental Control to respond to increasing demands. Appropriations/Government, Military and Veterans Affairs/Judiciary/Natural Resources

LR 210 The role and structure of public power in the State of Nebraska. Natural Resources

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Member Excused

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 653. Mr. Hall renewed his pending amendment, AM1324, found in the Journal on page 1601.

The Hall amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1770, found in the Journal on page 2284.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Hall withdrew his pending amendment, AM1765, printed separately from the Journal and referred to on page 2245.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 653A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 761. E & R amendments, AM7064, printed separately from the Journal and referred to on page 1846, were adopted.

Mr. Chambers renewed his pending amendment, FA170, found in the Journal on page 1761.

Mr. Dierks 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, 1 nay, and 21 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Ashford	Chizek	Korshoj	Morrissey	Scofield
Bernard-Stevens	Dierks	Kristensen	Schellpeper	Wesely
Chambers	Hall	Landis	Schimek	Withem
	Johnson, R.	McFarland		

Voting in the negative, 23:

Abboud	Conway	Haberman	Lamb	Schmit
Baack	Coordsen	Hannibal	Langford	Smith
Barrett	Crosby	Hefner	Peterson	Wehrbein
Beyer	Elmer	Johnson, L.	Robak	Weihing
Byars	Goodrich	Labedz		

Present and not voting, 6:

Hartnett	Lynch	Nelson	Pirsch	Rogers
Lindsay				

Excused and not voting, 3:

Beck	Moore	Warner

The Chambers amendment lost with 17 ayes, 23 nays, 6 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

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.

Phyllis Anstine - Crime Victims Reparations Committee

VOTE: Aye: Senators Baack, Bernard-Stevens, Beyer, Conway, Coordsen and Korshoj. Nay: None. Not voting: Senator Withem. Absent: Senator Robak.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1820.)

BILL ON FIRST READING

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

LEGISLATIVE BILL 762A. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 762, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 761. Mr. Wesely withdrew his pending amendment, AM1675, found in the Journal on page 2078.

Mr. Dierks withdrew his pending amendment, AM1631, found in the Journal on page 2081.

Mr. Dierks renewed his pending amendment, AM1630, found in the Journal on page 2084.

Mr. Landis moved to bracket LB 761 until May 16, 1989.

Mr. Landis withdrew his pending motion to bracket.

Mr. Landis offered the following amendment to the pending Dierks amendment:
AM1846

(Amendments to AM1630)

1. On page 1, line 10, strike the first "the" and insert "each" and strike the second "the" and insert "a"; in line 12 strike the first "the" and insert "each" and after "site" insert "in such county"; in line 17 strike "board receives" and insert "boards receive", strike "a", and strike "election" and insert "elections"; and in line 18 strike "county" and insert

"counties"; and in line 20 strike "site" and insert "sites" and strike "county" and insert "counties".

2. On page 2, line 12, strike "election" and insert "elections"; in line 13 strike "board" and insert "boards", strike the second "county" and insert "counties", and strike "site is" and insert "sites are"; in line 16 strike "site" and insert "sites"; and in line 17 after the period insert "These special elections shall be held on the same date.".

3. On page 3, line 5, strike "five" and insert "three".

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

Mr. Landis 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 his amendment.

Voting in the affirmative, 19:

Abboud	Coordsen	Korshoj	Morrissey	Smith
Ashford	Dierks	Kristensen	Schellpeper	Wesely
Chizek	Hall	Landis	Schimek	Withem
Conway	Johnson, R.	McFarland	Scofield	

Voting in the negative, 23:

Baack	Byars	Hannibal	Langford	Schmit
Barrett	Crosby	Hefner	Lynch	Warner
Bernard-Stevens	Elmer	Johnson, L.	Peterson	Wehrbein
	Goodrich	Labedz	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	

Present and not voting, 4:

Hartnett	Lindsay	Nelson	Rogers

Excused and not voting, 3:

Beck	Chambers	Moore

The Landis amendment lost with 19 ayes, 23 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Langford 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. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Ashford	Johnson, R.	Landis	Schellpeper	Smith
Chizek	Kristensen	McFarland	Schimek	Wesely
Coordsen	Labedz	Morrissey	Scofield	Withem
Dierks				

Voting in the negative, 27:

Abboud	Byars	Hall	Lindsay	Robak
Baack	Conway	Hannibal	Moore	Schmit
Barrett	Crosby	Hefner	Nelson	Warner
Bernard-Stevens	Elmer	Johnson, L.	Peterson	Wehrbein
	Goodrich	Lamb	Pirsch	Weihing
Beyer	Haberman	Langford		

Present and not voting, 4:

Hartnett	Korshoj	Lynch	Rogers

Excused and not voting, 2:

Beck	Chambers

The Dierks amendment lost with 16 ayes, 27 nays, 4 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT NICHOL PRESIDING

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

General Affairs
Marilyn R. Mitchell - Nebraska Arts Council

Transportation
Vera Dulaney - Motor Vehicle Industry Licensing Board
Jim L. Carr - Motor Vehicle Industry Licensing Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 89048

DATE: May 12, 1989

SUBJECT: Constitutionality of Proposed Amendments to Legislative Bill 137 Relating to Adjustment of Retirement Benefits of the Nebraska State Patrolmen's Retirement System.

REQUESTED BY: Senator Rex Haberman, Chairman, District 44
Nebraska Retirement Systems Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your question concerning the constitutionality of Amendment 1154 to Legislative Bill 137.

AM 1154 is an Amendment to Standing Committee Amendment, AM 0812. In reconstructing Section 1 of LB 137 after Amendment to Standing Committee Amendment (AM 0812), the section states:

Any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer or surviving spouse qualified to receive such payment prior to January 1, 1978, shall be adjusted to an amount of at least one thousand dollars per month beginning on July 1, 1989.

Amendment 1154 deleted language in the original bill which provided that the payment was an adjustment to reflect changes in the cost of living and wage levels.

Article III, Section 19, of the Nebraska Constitution prohibits increases for services previously rendered except that retirement benefits may be adjusted "to reflect changes in the cost of living and wages levels. . ." . Deletion of this language from the bill results in Section 1 of LB 311 providing for increases which would be constitutionally prohibited.

Accordingly, the conclusions in Opinion 88022, (Opinion of the Attorney General, March 11, 1988), apply to Amendment 1154 to the Standing Committee Amendments to LB 311.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
21-02-4

UNANIMOUS CONSENT - Print in Journal

Mmes. Nelson, Smith, and Mr. Schellpeper asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM1832

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. There is hereby appropriated $20,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $20,000,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the School Foundation and Equalization Fund, for state aid to education. The School Foundation and Equalization Fund is hereby appropriated for such purpose. Of such appropriations not more than

seventy-two percent thereof may be used for funding the provisions of section 79-1334 for each period, and the remaining amount shall be used to fund the provisions of sections 79-1339 and 79-1340 for each period.".

2. On page 1, strike beginning with the second "to" in line 1 through line 2 and insert "to appropriate funds for state aid to education as prescribed.".

Mr. Warner asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1789

1. PURPOSE: To correct a program number.
AMENDMENT: On page 34, line 19, strike "900" and insert "905".

2. PURPOSE: Reappropriation of new capital construction projects.
AMENDMENT: On page 39, line 4, strike "follows" and insert "listed below, as well as the undisbursed balances of those appropriations made in sections 3, 4, and 17 to 58 of this act which programs are not listed in this section".

3. PURPOSE: Cash Funds are reappropriated to complete the following Game and Parks projects in the event that work performed under contractual agreement is not completed by the end of FY1988-89.
AMENDMENT: On page 40, strike lines 3 through 8 and insert:

"Program 969. Only the undisbursed balances for the following projects shall be appropriated:
Fremont State Recreation Area - construction of a shower and latrine building with a well, replacement of obsolete campground electrical hookups, and the installation of additional electrical hookups
Enders State Recreation Area - electrical hookups
Schramm State Recreation Area - foot bridges.

Program 971. Only the undisbursed balances for the following projects shall be appropriated:
Meridian Wildlife Management Area - restoration of house, garage, and barns to include a workshop
Oak Glen Wildlife Management Area - dam repair
George Syas Wildlife Management Area - renovation of

building for use as a shop/storage facility Twin Lakes Wildlife Management Area - island construction and creation of deep water areas.

Program 972. Only the undisbursed balance for modification of elevators and front doors in the central office shall be appropriated."; and after line 16, insert:

"Two Rivers State Recreation Area - aeration system Twin Lakes Wildlife Management Area - boat ramp and shoreline rip-rap.".

4. PURPOSE: Add to the list of university of Nebraska construction projects to be reappropriated. AMENDMENT: On page 41, line 13, after "903," insert "905, 907,"; and in line 14 after "926," insert "934,".

Mr. Warner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1810

1. PURPOSE: Increased rent expense for the Attorney General in Program 507 - Interpretation and Application of Law.
AMENDMENT: On page 18, strike line 9 and insert:
"GENERAL FUND 2,562,701 2,492,900"; and strike line 12 and insert:
"PROGRAM TOTAL 2,814,057 2,751,209".

2. PURPOSE: Increase federal fund estimate $7,000 for FY1989-90 in Program 402 - Nebraska School for the Visually Handicapped.
AMENDMENT: On page 33, line 23, strike "20,068" and insert "27,068".

3. PURPOSE: Increase the salary limit by $30,000 for FY1989-90 in Department of Insurance for Program 555 - Examination of Insurance Companies.
AMENDMENT: On page 55, line 8, strike "$665,971" and insert "$695,971".

4. PURPOSE: Transfer General Fund match from Department of Social Services to Department of Public Institutions to allow Bethphage to downsize by forty and serve clients in community mental retardation programs.
AMENDMENT: a. On page 67, after line 2, insert the following:

"The General Fund appropriation to this program shall increase by an amount not to exceed

$445,000 for FY1989-90 and $445,000 for FY1990-91 if funds are transferred from the Department of Social Services to accommodate a permanent reduction in residents and a commensurate reduction in licensed and certified beds resulting from the downsizing of the Axtell campus of the Bethphage Residential Centers, Inc."; and

b. On page 85, after line 22, insert the following:

"The Department of Social Services shall transfer the amount of General Fund savings resulting from the permanent reduction in residents age twenty-one and older who are eligible for the Nebraska medical assistance program and the commensurate reduction in licensed and certified beds resulting from the downsizing of the Axtell campus of Bethphage Residential Centers, Inc. to the Department of Public Institutions, Program 424, for purposes of providing community-based services for such residents that are displaced by such downsizing. The transfer shall not exceed $445,000 General Funds in each fiscal year.

The Department of Social Services shall report the amounts transferred and provide information to the Legislature regarding changes in the number of licensed and certified private ICF-MR beds by no later than September 15, 1991.".

5. PURPOSE: Increase salary limit for the Commission on the Status of Women.

AMENDMENT: On page 106, lines 17 and 20, strike "$61,878" and insert "$70,441".

6. PURPOSE: To provide sufficient funds for the maintenance of effort requirements for the SSIG program.

AMENDMENT: a. On page 113, line 25, strike each occurrence of "136,575" and insert "137,918";

b. On page 114, line 2, strike each occurrence of "657,928" and insert "659,271"; and

c. On page 115, line 18, strike "1,054,641" and insert "1,055,984" and strike "1,058,490" and insert "1,059,833"; and in line 21 strike "1,784,194" and insert "1,785,537" and strike "1,760,043" and insert "1,761,386".

7. PURPOSE: Increase salary limit by $21,000 for FY1990-91 at Kearney State College to reflect the

second year increase in funding for student services enhancements.
AMENDMENT: On page 120, line 24, strike "$16,561,822" and insert "$16,582,822".

8. PURPOSE: Increase the personal services limitation for the Department of Administrative Services budget division. The increase is required due to the anniversary dates before December 31 causing the annualized salary level to be higher.
AMENDMENT: On page 155, lines 13 and 16, strike "$376,940" and insert "$378,440".

9. PURPOSE: Correct a program designation in the Department of Economic Development for Program 580 - Job Training Fund.
AMENDMENT: On page 164, line 18, strike "Rehabilitation Services" and insert "Vocational Education".

10. PURPOSE: Reappropriate the unexpended General Fund balance of the Nebraska Accountability and Disclosure Commission for fiscal year 1989-90.
AMENDMENT: On page 189, after line 3, insert:
"The unexpended General Fund balance existing on June 30, 1989, is hereby reappropriated.".

11. PURPOSE: Allows Department of Revenue to use the fund created in section 66-1415 to administer the Interstate Motor Carriers Base State Fuel Tax Compact Act.
AMENDMENT: On page 197, line 10, after the second "Fund" insert ", Interstate Motor Carriers Base State Cash Fund".

Mr. Warner asked unanimous consent to print the following amendment to LB 309A in the Journal. No objections. So ordered.

AM1790
(Amendments to Standing Committee amendments, AM1395)
PURPOSE: To increase salary funding in Program 310 of the Natural Resources Commission.

1. On page 61, lines 21 and 22, strike "1,858 4,279" and insert "3,650 7,931"; and in line 24 strike "$1,659" and insert "$3,288".

2. On page 62, line 2, strike "$3,820" and insert "$7,140"; and in lines 17 and 18 strike "67,046 154,483" and insert "68,838 158,135".

Mr. Warner asked unanimous consent to print the following amendment to LB 308 in the Journal. No objections. So ordered.

AM1812

1. On page 23, after line 6, insert the following new language:

"The State Department of Education is authorized to use the balance of General Funds from the FY1987-88 appropriation for special education reimbursement to pay approved claims pursuant to amended final financial reports for the 1985-86 and 1986-87 program years not to exceed $22,144.".

2. In the Standing Committee amendments, AM1409, On page 8, lines 7 and 8, strike "7,000" and insert "12,412"; and in line 11 after the underscored period insert:

"Included in this appropriation is $2,412 which shall only be used for unemployment compensation. Up to $1,072 of the unexpended balance is hereby reappropriated.".

3. PURPOSE: To provide additional funding for the acquisition of measles vaccine.

AMENDMENT: In the Standing Committee amendments, AM1409:

a. On page 4, after line 21 insert:

"(3) Program No. 514 - Health and Medical Assistance

	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 for state aid, which shall only be used for such purpose."; and

b. On page 5, strike line 1, show as stricken and insert:

"GENERAL FUND 128,545 621,003"

and in line 5 strike "1,156,848" and insert "1,356,848".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 258. Placed on Select File as amended.
E & R amendments to LB 258:
AM7082

1. On page 5, line 5, strike "fund", show as stricken, and insert "Highway Trust Fund".
2. On page 8, lines 6 and 8, strike "Highway Trust Fund", show as stricken, and insert "fund".

LEGISLATIVE BILL 289A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

Correctly Engrossed

The following bills were correctly engrossed: 95, 280, 444, 640, 762, 767, 767A, and 780.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 95

The following changes, required to be reported for publication in the Journal, have been made:
ER6193
1. In the Landis amendment, AM1216, on page 1, lines 2 and 3, "approved by a city of the primary class" has been struck and "which are approved by the city" inserted.
2. In the Standing Committee amendments, AM0370, on page 2, line 19, "than" have been inserted after "more".

Enrollment and Review Change to LB 280

The following changes, required to be reported for publication in the Journal, have been made:
ER6190
1. On page 1, line 3, "and" has been struck; in line 4 "and 60-2701," has been inserted after the first comma; in line 5 "define and" has been inserted after the first "to"; and in line 6 "certain" has been inserted after the first "to".
2. On page 21, line 4, the stricken "and" has been reinstated.

Enrollment and Review Change to LB 640

The following changes, required to be reported for publication in the Journal, have been made:
ER6191

1. On page 1, line 1, "23-343.25," has been inserted after "sections"; in line 2 "and 79-2647," has been inserted after the comma; in line 9 "and" has been struck; and in line 10 "; and to declare an emergency" has been inserted after "sections".

2. In the Standing Committee amendment, AM0497, on page 3, line 5, "is a vacancy" has been struck and "are vacancies in the offices" inserted.

3. In the Baack amendment, AM1625, on page 3, line 9, and page 4, lines 12 and 13, "is a vacancy" has been struck and "are vacancies" inserted.

Enrollment and Review Change to LB 762

The following changes, required to be reported for publication in the Journal, have been made:
ER6189

1. On page 1, line 2, "and" has been struck and a comma inserted and "and 77-3509," has been inserted after the last comma; in line 4 "77-1510," has been inserted after "sections", "and" has been struck, and "and 77-2701," has been inserted after the last comma; and in line 8 "to change provisions relating to homestead exemptions for veterans; to authorize the disclosure of certain information; to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 767

The following changes, required to be reported for publication in the Journal, have been made:
ER6187

1. In the Abboud-Smith amendment, AM1739, section 69 has been renumbered as section 94 and internal references corrected accordingly.

2. In the Hall-Smith amendment, AM1624:

a. Sections 2 to 12, 14, and 19 to 26 have been renumbered as sections 3 to 13, 15, and 20 to 27 and internal references corrected accordingly;

b. On page 2, lines 3 and 15, "Nebraska Bingo Act" has been struck, shown as stricken, and "act" inserted; in line 7 "the State of" has been struck and shown as stricken; and in line 18 the comma has been struck and shown as stricken;

c. On page 3, line 1; and page 13, line 3, "equipment and" has been struck and shown as stricken and "and equipment" has been inserted after "supplies";

d. On page 4, line 18, "any bingo supplies or equipment" has been inserted after "supplying"; in line 19 "persons" has been struck and "person" inserted; and in line 21 "any bingo supplies or equipment" has been struck;

e. On page 5, line 2, "its" has been struck and "the applicant's" has been inserted; in line 5 the comma has been struck; in line 6 "or, if" has been struck and ". If" inserted; in line 7 "home" has been inserted before "address"; and in line 10 "shall be supplied" has been inserted after "corporation";

f. On page 7, line 21, "or" has been struck and "of this state or is not a" inserted;

g. On page 8, line 16, "organization licensed to conduct bingo" has been struck and "licensed organization" inserted;

h. On page 12, line 3, the comma has been struck;

i. On page 16, line 6, "; and" has been struck, shown as stricken, and an underscored period inserted;

j. On page 17, lines 13 and 14, 17, and 20 and 21; page 18, lines 2, 8, 11, and 18 and 19; and page 24, line 2, "equipment and supplies" has been struck and "supplies and equipment" inserted;

k. On page 20, line 11, the first "or" has been struck; in line 12 an underscored comma has been inserted after "representative"; and in line 13 "executors" has been struck and "personal representatives" inserted; and

l. On page 24, line 19, the new matter has been struck and "9 of this act or section" inserted.

3. In the Smith amendment, AM1470:

a. Sections 45 to 47 have been renumbered as sections 66 to 68 and internal references corrected accordingly;

b. On page 1, line 19; and page 3, line 23, "and," has been struck and ", and" inserted; and

c. On page 3, line 19, "electors" has been struck and "registered voters" inserted.

4. In the Smith amendment, AM1572:

a. Section 61 has been renumbered as section 84 and internal references corrected accordingly;

b. On page 1, line 14, "department" has been struck and "Department of Revenue" inserted; and in line 15 an underscored comma has been inserted after "cancel";

c. On page 2, line 15, "(a)" has been struck and "(1)" inserted; in line 17 "(b)" has been struck and "(2)" inserted; in line 21 "3" has been struck and "4" inserted; and in line 22 "manufacturer-distributor" has been struck and "act" inserted.

5. In the E & R amendments, AM7063:

a. On page 1, line 9, the stricken comma has been reinstated;

b. On page 35, line 4, "home" has been inserted after the first "and";

c. On page 42, line 23, "state" has been inserted after "organization's";

d. On page 60, line 14, "9-610" has been struck and "87 of this act" inserted;

e. On page 66, line 15, "fifteen-percent" has been struck and "fourteen-percent" inserted;

f. On page 71, line 18, "of lottery supplies" has been inserted after "approval";

g. On page 85, line 2, "Nebraska County and City Lottery Act" has been struck, shown as stricken, and "act" inserted;

h. On page 86, line 18, "18, 22 to 25, and 71" and all amendments thereto have been struck and "39, 43 to 46, and 93" inserted; and in line 21 "69 and 72" and all amendments thereto have been struck and "83, 84, 95, 96, and 99" inserted.

i. On page 87, line 13, "lotteries" has been struck and "bingo, lotteries," inserted; in line 14 "9-202, 9-250, 9-254, 9-257," has been inserted after "sections"; and in line 17 "9-201, 9-203, 9-209, 9-212," has been inserted after the second comma and "9-242, 9-244, 9-253, 9-266," has been inserted after the last comma; and

j. On page 88, line 7, "to eliminate filing requirements as prescribed;" has been inserted after the first semicolon; in line 8 "to provide severability;" has been inserted after the semicolon; and in line 9 ", and also section 9-241, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "sections".

Enrollment and Review Change to LB 780

The following changes, required to be reported for publication in the Journal, have been made:
ER6188

1. On page 1, line 3, "53-134," has been inserted after the fourth comma; and in line 10 "to change provisions relating to delivery of a resolution;" has been inserted after the semicolon.

2. On page 2, line 4, "to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon.

3. The following new section has been inserted:

"Sec. 15. If Legislative Bill 781, Ninety-first Legislature, First Session, 1989, or any other legislative bill is enacted by the Ninety-first Legislature, First Session, 1989, and becomes law containing references to the secretary of the Nebraska Liquor Control Commission, the Revisor of Statutes shall change such references to

refer to the executive director of the commission consistent with this legislative bill.".

4. The remaining section has been renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 761. Mr. Kristensen renewed his pending amendment, AM1723, found in the Journal on page 2149.

Mr. Schmit requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:
FA261

(Amendments to AM7064)

1. Insert the following new section:

"Sec. 17. Within thirty days after the effective date of this act the developer shall establish a fund for each local monitoring committee to be used to provide counseling and stress consultation services for persons who reside within counties that are under active consideration to host the facility and who have need for such services due to the possible siting of the facility within their county. The local monitoring committee shall contract for such services. The developer shall provide six thousand five hundred dollars for each local monitoring committee each year for such services until the committee ceases to exist or until the facility has been in operation for three years. Any amount remaining in a fund not needed for such services shall be returned to the developer.".

2. On page 1, line 8, strike "17" and insert "18".

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Schmit requested a roll call vote on the Kristensen amendment.

Voting in the affirmative, 24:

Abboud	Coordsen	Johnson, R.	McFarland	Schimek
Ashford	Crosby	Korshoj	Morrissey	Scofield
Bernard-Stevens	Dierks	Kristensen	Nelson	Smith
	Hall	Landis	Rogers	Wesely
Chizek	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 21:

Baack	Goodrich	Johnson, L.	Lindsay	Schmit
Beyer	Haberman	Labedz	Peterson	Warner
Byars	Hannibal	Lamb	Pirsch	Wehrbein
Conway	Hefner	Langford	Robak	Weihing
Elmer				

Present and not voting, 1:

Moore

Excused and not voting, 3:

Barrett	Beck	Chambers

The first Kristensen amendment lost with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second Kristensen amendment is as follows:
FA262
3. On page 8, after line 18 insert the following new subsection:
"(4) No member of a local monitoring committee shall be liable in any civil action for damages resulting from his or her acts of commission or omission

arising out of and in the course of his or her rendering any services as such member in good faith. This section shall not grant immunity for the operation of a motor vehicle in connection with such services or to any member causing damages by willful and wanton acts of commission or omission."; and in line 19 strike "(4)" and insert "(5)".

4. On page 9, line 20, strike "(5)" and insert "(6)".

5. On page 10, line 12, strike "(6)" and insert "(7)".

6. On page 13, line 10, strike "(4)" and insert "(5)"; and in line 14 strike "(5)" and insert "(6)".

7. On page 14, line 18, strike "(4) and (5)", show the old matter as stricken, and insert "(5) and (6)".

8. Renumber the remaining sections accordingly.

Mr. Morrissey 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 second Kristensen amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Morrissey renewed his pending amendment, AM1752, found in the Journal on page 2178.

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. Morrissey moved for a call of the house. The motion prevailed with 11 ayes, 3 nays, and 35 not voting.

Mr. Morrissey requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Chizek	Hall	Kristensen	McFarland
Ashford	Coordsen	Hartnett	Landis	Morrissey
Chambers	Dierks	Korshoj	Lynch	Rogers

Schellpeper	Scofield	Smith	Wesely	

Voting in the negative, 25:

Baack	Crosby	Hefner	Langford	Schimek
Bernard-Stevens	Elmer	Johnson, L.	Moore	Schmit
Beyer	Goodrich	Johnson, R.	Nelson	Warner
Byars	Haberman	Labedz	Peterson	Wehrbein
Conway	Hannibal	Lamb	Robak	Weihing

Present and not voting, 3:

Lindsay	Pirsch	Withem

Excused and not voting, 2:

Barrett	Beck

The Morrissey amendment lost with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Morrissey renewed his pending amendment, AM1750, found in the Journal on page 2179.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Morrissey moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Morrissey requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Chizek	Johnson, R.	McFarland	Scofield
Bernard-Stevens	Coordsen	Korshoj	Morrissey	Smith
Chambers	Dierks	Kristensen	Schellpeper	Wesely
	Hartnett	Landis	Schimek	

Voting in the negative, 25:

Abboud	Crosby	Hefner	Lynch	Rogers
Baack	Elmer	Johnson, L.	Moore	Schmit
Beyer	Goodrich	Lamb	Nelson	Warner
Byars	Haberman	Langford	Peterson	Wehrbein
Conway	Hannibal	Lindsay	Robak	Weihing

Present and not voting, 1:

Withem

Excused and not voting, 5:

Barrett	Beck	Hall	Labedz	Pirsch

The Morrissey amendment lost with 18 ayes, 25 nays, 1 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Monday, May 22, 1989 1:00 p.m.
Marilyn R. Mitchell - Nebraska Arts Council

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 706 in the Journal. No objections. So ordered.

AM1840

1. Insert the following new section:

"Sec. 9. That section 79-4,207, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,207. (1) Each local school board, after making a determination that an actual or potential

environmental hazard exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than ~~the first Monday in~~ August 25, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazards in its school buildings or grounds. Each local school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the school district.

(2) The school board shall designate the particular environmental hazard abatement project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year thereof. The school board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section may be imposed for such duration as shall be specified by the school board notwithstanding the contemporaneous existence or subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the school district of bonded indebtedness payable from its general fund levy.

(3) 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, rule, or regulation.

~~(3)~~ (4) It shall be the duty of the county clerk to levy such taxes, not to exceed ~~three and one-half~~ five and one-fifth cents per one hundred

dollars of taxable valuation, on the taxable property of the school district necessary to cover the abatement costs itemized by the school board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the proper school district and used to cover the abatement costs.

~~(4)~~ (5) Each school district which submits an itemized estimate shall establish an environmental hazard abatement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the abatement costs. Such estimates may be presented to the county clerk and taxes levied accordingly. ~~In no event, however, may a school board present any such estimates after August 1, 1993.~~ The Commissioner of Education shall, by January 1, 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

~~(5)~~ (6) The itemized estimate submitted by a school board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

~~(6)~~ (7) For purposes of this section, the term abatement shall include, but not be limited to, any inspection and testing regarding environmental hazards, any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of environmentally hazardous material or property, any restoration or replacement of material or property, any related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or grounds under the school board's control, except that the term abatement shall not include the encapsulation of any material containing more than one percent friable asbestos.

(8) For the purpose of paying amounts necessary for the abatement of environmental hazards, the school board of each affected school district may borrow money and issue bonds and other evidences of

indebtedness of the school district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the school district of amounts received in respect of the tax levy provided for by this section and any other funds of the school district available therefor. Bonds and other evidences of indebtedness issued by a school district pursuant to this subsection shall not constitute a general obligation of the school district or be payable from any portion of its general fund levy.".

2. On page 14, line 6, after the second comma insert "and section 79-4,207, Revised Statutes Supplement, 1988,".

3. Renumber remaining sections accordingly.

Mrs. Nelson and Mr. Schellpeper asked unanimous consent to print the following amendment to LB 357A in the Journal. No objections. So ordered.

AM1172

(Amendments to Final Reading copy)

1. On page 2, line 2, strike "$470,072" and insert "$249,175"; in line 3 strike "$677,825" and insert "$595,801"; in line 10 strike "$16,725" and insert "$34,144"; in line 11 strike "$19,636" and insert "$28,518"; in line 14 strike "$446,250" and insert "$202,500"; and in line 15 strike "$650,000" and insert "$558,750".

Mr. Warner asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1831

1. Strike original section 21 and all amendments thereto and insert the following new sections:

"Sec. 21. The Executive Board of the Legislative Council is hereby authorized to conduct a study of prison population issues and any potential alternatives to alleviate the overcrowded prison conditions. The appropriation made in this section shall be expended in accordance with the provisions of any study resolution adopted for the purpose of analyzing prison population issues. There is hereby

appropriated $50,000 from the General Fund to the Legislative Council, Program 122, for the fiscal year ending June 30, 1990, to conduct the study.

Sec. 22. The Nebraska Commission on Law Enforcement and Criminal Justice is hereby authorized to provide grants for pilot projects relating to programs for juveniles involved in drug-and-gang-related activities. The commission shall adopt and promulgate rules and regulations for reviewing the grant applications giving a high priority to those projects which would provide services in metropolitan areas. There is hereby appropriated $120,000 from the General Fund to the Nebraska Commission on Law Enforcement and Criminal Justice, Program 198, for the fiscal year ending June 30, 1990, for such pilot project grants.".

2. Renumber remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 744A. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 744, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 761. Mr. Morrissey withdrew his pending amendment, AM1751, found in the Journal on page 2179.

Mr. McFarland renewed his pending amendment, AM1569, found in the Journal on page 2270.

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. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

The McFarland amendment lost with 6 ayes, 20 nays, 17 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks offered the following amendment:
AM1849

(Amendments to AM7064)

1. On page 7, strike beginning with "Two" in line 13 through line 19, show as stricken, and insert "Two members selected by the township board in which the proposed site is located. If no such township board exists, one appointment shall be made by the chief executive officer of each of the two municipalities in closest proximity to the proposed site or by the governing body if there is no chief executive officer;".

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.

Mr. Dierks moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Chizek	Kristensen	Morrissey	Scofield
Ashford	Coordsen	Landis	Nelson	Smith
Bernard-Stevens	Dierks	Lindsay	Schellpeper	Wesely
Chambers	Hartnett	Lynch	Schimek	Withem
	Korshoj	McFarland		

Voting in the negative, 12:

Baack	Haberman	Lamb	Robak	Warner
Beyer	Hall	Peterson	Schmit	Weihing
Elmer	Johnson, L.			

Present and not voting, 10:

Byars	Conway	Crosby	Goodrich	Hannibal

Hefner Langford Moore Rogers Wehrbein

Excused and not voting, 5:

Barrett Beck Johnson, R. Labedz Pirsch

The Dierks amendment lost with 22 ayes, 12 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:
FA263
1. In the E & R amendments AM 7064, on page 10, line 24, strike "existing".

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Lamb amendment was adopted with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1855
PURPOSE: To appropriate $24,100 to Wayne State College in each of FY1989-90 and FY1990-91 to support an academic counseling position and related costs in order to serve the needs of students attending the Nebraska Indian Community College.
1. On page 124, line 18, strike "7,403,622" and insert "7,427,722" and strike "7,411,278" and insert "7,435,378"; in line 22 strike "13,495,815" and insert "13,519,915" and strike "13,685,822" and insert "13,709,922"; and in line 25 strike "$6,464,522" and insert "$6,482,522".
2. On page 125, line 2, strike "$6,496,798" and insert "$6,514,798"; and after line 13 insert the

following:

"There is included in the appropriation to this program for FY1989-90 $24,100 General Funds and for FY1990-91 $24,100 General Funds to support an academic counseling position and related costs to serve academic counseling needs of students attending the Nebraska Indian Community College particularly as those needs relate to the needs of Nebraska Indian Community College students transferring to baccalaureate programs of study at Wayne State College or other postsecondary institutions.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1817

1. Insert the following new section:

Sec. 63. The Department of Administrative Services is hereby authorized to enter into negotiations for the acquisition of approximately fifteen acres of land located in the southwest one-quarter of section 32, township 10 north, range 6 east, in Lancaster County, Nebraska. Such land is immediately adjacent to state-owned land on which correctional facilities are currently located.

As part of such negotiations, the department is authorized to offer and use as consideration the following state-owned property in trade. This property has been declared surplus to the needs of the state and contains approximately twenty-four and five-tenths acres located in the southeast one-quarter of the southwest one-quarter of section 3, township 9 north, range 6 east, in Lancaster County, Nebraska. Upon completion of the negotiations, it is the intent of the Legislature that this property become the responsibility of the Department of Correctional Services.

It is understood that the value of both properties is comparable, but additional revenue to the State of Nebraska should be realized because of the greater number of acres. All such revenue received as a result of the negotiations shall be deposited in the Vacant Building Fund.".

2. Renumber the remaining sections accordingly.

Mrs. Nelson and Mr. Schellpeper asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM1858

(Amendments to Final Reading copy)

1. On page 8, line 19, strike "eight" and insert "twelve".

Mrs. Smith and Mr. Hall asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM1841

1. Insert the following new section:

"Sec. 5. The Tax Commissioner may apply to the Director of Administrative Services and the Auditor of Public Accounts to establish and maintain a Charitable Gaming Investigation Petty Cash Fund. The funds used to initiate and maintain the Charitable Gaming Investigation Petty Cash Fund shall be drawn solely from the Charitable Gaming Operations Fund. The Tax Commissioner shall determine the amount of money to be held in the Charitable Gaming Investigation Petty Cash Fund, consistent with carrying out the duties and responsibilities of the Charitable Gaming Division of the Department of Revenue but not to exceed five thousand dollars for the entire division. This restriction shall not apply to funds otherwise appropriated to the Charitable Gaming Operations Fund for investigative purposes. When the Director of Administrative Services and the Auditor of Public Accounts have approved the establishment of the Charitable Gaming Investigation Petty Cash Fund, a voucher shall be submitted to the Department of Administrative Services accompanied by such information as the department may require for the establishment of the fund. The Director of Administrative Services shall issue a warrant for the amount specified and deliver it to the Charitable Gaming Division. The fund may be replenished as necessary and shall be audited by the Auditor of Public Accounts.

Any prize amounts won by Charitable Gaming

Division personnel with funds drawn from the Charitable Gaming Investigation Petty Cash Fund or reimbursed from the Charitable Gaming Operations Fund shall be deposited into the Charitable Gaming Operations Fund.

For the purpose of establishing and maintaining legislative oversight and accountability, the Department of Revenue shall maintain records of all expenditures, disbursements, and transfers of cash from the Charitable Gaming Investigation Petty Cash Fund.

By September 15 of each year, the department shall report to the budget division of the Department of Administrative Services and to the Legislative Fiscal Analyst the unexpended balance existing on June 30 of the previous fiscal year relating to investigative expenses in the Charitable Gaming Investigation Petty Cash Fund and any funds existing on June 30 of the previous fiscal year in the possession of personnel of the Charitable Gaming Division involved in investigations. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining section accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

AM1844

PURPOSE: To transfer $100,000 from the deferred building renewal program to the state building division to conduct a survey of asbestos content in state buildings.

1. On page 35, line 7, strike "$3,000,000" and insert "$2,900,000".

Mr. Warner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1843

PURPOSE: To appropriate $100,000 to the state building division to commission a study to inventory the asbestos content of state buildings.

1. On page 155, line 21, strike "2,162,974" and insert "2,262,974"; and in line 24 strike "6,722,186" and insert "6,822,186".

2. On page 156, after line 4 insert:

"There is included in the appropriation to this program $100,000 General Funds for FY1989-90 to commission a study to inventory the asbestos content in state buildings, including buildings owned by the University of Nebraska and state colleges, which shall be used only for such purpose.".

3. On page 157, line 12, strike "4,782,082" and insert "4,882,082"; and in line 15 strike "58,665,170" and insert "58,765,170".

Mr. Warner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1845

1. PURPOSE: Provide $1,000 General Funds for the State Department of Education to develop rules and regulations for the Textbook Loan Program and eliminate state aid funding for textbook loans.

AMENDMENT: a. Strike the Hall amendment, AM1506;

b. On page 34, line 8, strike "1,286,353" and insert "1,287,353"; in line 12 strike "24,720,915" and insert "24,721,915"; in lines 19 and 22 strike "850" and insert "750"; in line 24 strike "The"; and strike line 25 and insert the following new paragraph:

"There is included in the appropriation to this program for FY1989-90 $1,000 General Funds for the adoption and promulgation of rules and regulations to carry out the provisions of subsection (2) of section 79-4,118.";

c. On page 35, strike lines 1 and 2; and in line 22 strike "213,920,218" and insert "213,921,218"; and

d. On page 36 line 1, strike "301,273,774" and insert "301,274,774".

2. PURPOSE: To provide additional child welfare employees.

AMENDMENT: a. On page 77, line 5, strike "29,092,977" and insert "29,118,853" and strike "29,767,737" and insert "29,992,115"; in line 7 strike "40,488,590" and insert "40,495,059" and strike "43,379,391" and insert "43,435,485"; in line 8 strike "69,767,067" and insert "69,799,412" and strike "73,332,628" and insert "73,613,100"; in line 10 strike "$39,372,798" and insert

"$39,396,903"; and in line 13 strike "$39,383,368" and insert "$39,587,677"; and

b. On page 86, line 17, strike "196,303,760" and insert "196,329,636" and strike "210,819,930" and insert "211,044,308"; in line 19 strike "296,162,968" and insert "296,169,437" and strike "321,469,155" and insert "321,525,249"; and in line 20 strike "492,942,228" and insert "492,974,573" and strike "532,764,585" and insert "533,045,057".

3. PURPOSE: Increase day care rates and hold harmless Title XX fee paying clients.

AMENDMENT: a. On page 78, strike line 13 and insert:

"GENERAL FUND 58,329,088 61,419,689"

strike line 16 and insert:

"PROGRAM TOTAL 123,338,089 127,275,257"

in line 20 strike "$58,329,088" and insert "$58,329,088"; and in line 24 strike "$59,977,189" and insert "$61,419,689";

b. On page 82, strike line 3 and insert:

"GENERAL FUND 6,965,343 8,026,045"

and strike line 5 and insert:

"TOTAL 18,576,423 19,450,327"

c. On page 84, after line 12 insert:

"There is included in the appropriation under subdivision (3)(l) of this section $1,380,000 General Funds in FY1989-90 and FY1990-91 to be used by the Department of Social Services to provide for an increase in rates paid for child care under the Title XX Program. Also included is $62,500 General Funds in FY1989-90 and FY1990-91 to hold harmless Title XX clients who pay a portion of their child care costs."; and

d. On page 86, strike line 17 and insert:

"GENERAL FUND 197,746,260 212,262,430"

and strike line 20 and insert:

"AGENCY TOTAL 494,384,728 534,207,085".

4. PURPOSE: Increase state aid for the development of psychiatric emergency services by $300,000 General Funds in FY1990-91.

AMENDMENT: a. On page 63, line 17, strike "31,760,028" and insert "32,060,028"; and in line 20 strike "43,499,929" and insert "43,799,929";

b. On page 64, line 6, strike "$8,691,671" and insert "$8,991,671";

c. On page 65, lines 6 and 7, strike "and

FY1990-91"; and in line 8 after the period insert "There is included in the state aid appropriation to this program for FY1990-91 $600,000 General Funds which shall be used to develop psychiatric emergency services in the state."; and

d. On page 76, line 1, strike "77,722,912" and insert "78,022,912"; and in line 4 strike "120,770,230" and insert "121,070,230".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 175, 228, 312, 312A, 323, 336, 340A, 423, and 744.

Correctly Engrossed

The following bill was correctly engrossed: 319.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 175
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6197

1. In the McFarland amendment, AM1627, on page 3, line 3, "relates" has been struck, shown as stricken, and "relate" inserted; and in line 5 "and is" has been struck, shown as stricken, and "and are" inserted.

Enrollment and Review Changes to LB 319

The following changes, required to be reported for publication in the Journal, have been made:
ER6196

1. The following new sections have been inserted:

"Sec. 79. That section 23, Legislative Bill 320, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 23. Any supervision, rehabilitation, conservation, or liquidation of a prepaid limited health service organization shall be

deemed to be the supervision, rehabilitation, conservation, or liquidation of an insurance company and shall be conducted pursuant to ~~Chapter 44, article 1~~ the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act. No prepaid limited health service organization shall be subject to the insurance laws, rules, and regulations governing insurance insolvency guaranty funds, nor shall any insurance insolvency guaranty fund provide protection to any individuals entitled to receive limited health services from a prepaid limited health service organization.

Sec. 80. Sections 79 and 83 of this act shall become operative three calendar months after the adjournment of the legislative session. The other sections of this act shall become operative on their effective date.

Sec. 83. That original section 23, Legislative Bill 320, Ninety-first Legislature, First Session, 1989, is repealed.".

2. In the E & R amendments, AM7049, on page 1, line 16, the second comma has been struck.

3. In the Landis amendments, AM1071, on page 1, line 18, "37" has been struck and "38" inserted.

4. On page 1, line 6, ", and section 23, Legislative Bill 320, Ninety-First Legislature, First Session, 1989" has been inserted after "1943".

5. On page 1, line 10, "to provide operative dates;" has been inserted after the first semicolon.

6. On page 25, line 16, "or affirmation" has been inserted after "oath".

7. On page 38, line 17, an underscored comma has been inserted after "witnesses".

8. On page 60, line 3, "that" has been struck and "than" inserted.

9. On page 63, line 1, the second "or" has been struck and "of" inserted.

10. On page 67, line 19, the first "or" has been struck and an underscored comma inserted and an underscored comma has been inserted after "revoke".

11. On page 79, line 4, an underscored comma has been inserted after "name".

12. On page 90, line 25, the last comma has been struck.

13. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 323
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER6199

1. On page 1, line 8, "to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 336
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER6192

1. On page 7, lines 14 and 15 have been struck and the remaining subdivisions relettered accordingly.

Enrollment and Review Change to LB 744
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER6194

1. In the Withem amendment, AM1719:

a. On page 1, line 2, "This" has been struck and "Sections 1 to 7 of this" inserted; and in lines 11 and 17 "sections 1 to 7 of" has been inserted before "this"; and

b. On page 2, line 2, "the data collected" has been struck and "data collection" inserted; and in line 13 "on" has been struck and "student" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 761. Ms. Scofield offered the following amendment:

AM1595

(Amendments to E and R amendments, AM7064)

1. Insert the following new section:

"Sec. 5. That section 81-1591, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1591. Low-level radioactive waste shall mean radioactive waste not classified as high-level radioactive waste, spent nuclear fuel, or byproduct material as defined in subdivision (2) of section

81-1582 and classified by the federal government as low-level radioactive waste, but shall not include waste which remains a federal responsibility as designated in section 3(b) of the Low-Level Radioactive Waste Policy Act, as amended, 42 U.S.C. section 2021C(b).".

2. On page 1, line 8, strike "5, 6, and 14 to 17" and insert "6, 7, and 15 to 18".

3. On page 2, line 6, strike "5" and insert "6".

3. On page 7, line 7, strike "15" and insert "16".

4. On page 22, line 7, after the last comma insert "81-1591,".

5. Renumber the remaining sections accordingly.

Mr. Lynch 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.

Mr. Lamb offered the following amendment:
FA264
Amendments to AM7064

Page 9, Line 3: Strike new language, reinsert stricken language

Page 9, Lines 3 & 4: Strike "or until a site is selected, whichever is later"

Page 9, Line 6: After "section." insert "The unexpended balance on June 30, 1989, is hereby reappropriated."

Page 17, Line 3: After "shall" insert "annually through 1992"

Page 17, Line 7: Strike "in addition" insert "When the facility begins operation"

Page 18, Lines 1-4: Reinstate stricken language after "facility."

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 Lamb amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Mr. Weihing offered the following amendment:
AM1622

(Amendments to AM7064)

1. On page 6, line 17, strike "onsite" and insert "site".

2. On page 7, strike beginning with "committee" in line 6 through line 9 and insert "committees with oversight and review of the sampling, analysis, and testing related to the site characterization and selection process.".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen 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. Weihing moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Mr. Weihing requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford	Elmer	Johnson, L.	Nelson	Warner
Baack	Haberman	Labedz	Peterson	Wehrbein
Byars	Hannibal	Lamb	Robak	Weihing
Conway	Hefner	Langford	Schmit	

Voting in the negative, 14:

Abboud	Bernard-Stevens	Chambers	Coordsen	Korshoj
		Chizek	Hall	Kristensen

Lindsay	Schellpeper	Schimek	Wesely	Withem
Morrissey				

Present and not voting, 10:

Barrett	Crosby	Goodrich	McFarland	Scofield
Beyer	Dierks	Hartnett	Rogers	Smith

Absent and not voting, 1:

Moore

Excused and not voting, 5:

Beck	Johnson, R.	Landis	Lynch	Pirsch

The Weihing amendment lost with 19 ayes, 14 nays, 10 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Warner, and Coordsen asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM1824

(Amendments to AM1757)

1. On page 14, line 7, strike "two" and insert "three"; and in line 10 strike "three" and insert "five".

Mr. Warner asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1853

PURPOSE: To appropriate $25,000 to the Board of Trustees of the Nebraska State Colleges to refine plans and proposals to acquire and install automated library systems and system components at the respective state colleges.

AMENDMENT: a. On page 116, after line 7, insert the following new subsection:

"(2) Program No. 62 - Discretionary Operations

	FY1989-90	FY1990-91
GENERAL FUND	25,000	-0-
PROGRAM TOTAL	25,000	-0-

The Legislature recognizes the plan and proposal of the Board of Trustees of the Nebraska State Colleges to acquire and install automated library systems and system components at the respective state colleges. There is included in the appropriation to this program $25,000 to support the costs of contractual consulting services and other expenses associated with the refinement of the plan and proposal. The refined plan and proposal shall be submitted to the Legislative Fiscal Analyst and the Department of Administrative Services on October 15, 1989. It is the intent of the Legislature that such plan and proposal refinements (a) identify alternative levels of public and student access to the planned automated library systems and system components, (b) identify and address opportunities for and means by which to facilitate linkage with automated library systems to be acquired and installed by the University of Nebraska in fiscal year 1989-90 and fiscal year 1990-91, and (c) identify and address opportunities for and means by which to facilitate any practical linkage with a statewide distributed data processing network to be developed and installed pursuant to the recommendations of the Intergovernmental Data Communications Advisory Council. The Board of Trustees may utilize funds included in the appropriation to this program to further refine comprehensive academic computing plans to the extent funds are available for such purpose within the sum appropriated."; and in line 8 strike "(2)" and insert "(3)"; and

b. On page 118, in line 10, strike "400,190" and insert "425,190"; and in line 11 strike "400,190"

22 and insert "425,190".

Mr. Coordsen and Mrs. Crosby asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM1839
1 1. On page 165, strike lines 2 through 5.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 182 and 487.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 487
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6195
1. In the Lamb amendment, AM1105, on page 1, line 19, "and" has been inserted after the semicolon.
2. On page 1, line 2, "79-1302, 79-1306," has been inserted after the fourth comma.
3. On page 2, line 2, "to change provisions relating to the distribution of school funds to a county with only one school district as prescribed;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 19 fifth grade students and teacher from Mead Elementary School; and 22 seventh and eighth grade students and teacher from Hildreth.

ADJOURNMENT

At 7:44 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 8:00 a.m., Tuesday, May 16, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 16, 1989

LEGISLATIVE JOURNAL

EIGHTY-FOURTH DAY - MAY 16, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 16, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Lee Hankins, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Byars, Dierks, Hartnett, Hefner, R. Johnson, McFarland, Moore, Morrissey, Wehrbein, Wesely, Mmes. Beck, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Third Day was approved.

SELECT FILE

LEGISLATIVE BILL 813. E & R amendments, AM7068, found in the Journal on page 2252 for the Eightieth Day, were adopted.

Mr. Chambers withdrew his pending amendment, AM1567, found in the Journal on page 1945.

Mr. Conway renewed his pending amendment, FA220, found in the Journal on page 2121.

Mr. Conway withdrew his pending amendment, FA220.

Mrs. Labedz and Mr. Haberman renewed their pending amendment, AM1762, found in the Journal on page 2222.

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 Labedz-Haberman amendment lost with 5 ayes, 25 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Wesely withdrew his pending amendment, AM1536, found in the Journal on page 2231.

Mr. Hall renewed his pending amendment, AM1761, found in the Journal on page 2245.

Mr. Hannibal offered the following amendment to the pending Hall amendment:
FA265
Strike original provisions and insert the following
AMENDMENT: a. Strike the Hall amendment, AM1506;
b. On page 34, line 8, strike "1,286,353" and insert "1,287,353"; in line 12 strike "24,720,915" and insert "24,721,915"; in lines 19 and 22 strike "850" and insert "750"; in line 24 strike "The"; and strike line 25 and insert the following new paragraph:
"There is included in the appropriation to this program for FY1989-90 $1,000 General Funds for the adoption and promulgation of rules and regulations to carry out the provisions of subsection (2) of section 79-4,118.";

Mrs. Langford 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. Hannibal moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Hannibal requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Hannibal	Landis	Pirsch	Warner
Beyer	Johnson, L.	Moore	Schimek	Wehrbein
Coordsen	Johnson, R.	Morrissey	Scofield	Weihing
Elmer	Korshoj	Nelson	Smith	Wesely
Haberman	Lamb			

Voting in the negative, 22:

Baack	Conway	Hartnett	Lindsay	Rogers
Beck	Crosby	Hefner	Lynch	Schellpeper
Bernard-Stevens	Dierks	Kristensen	Peterson	Schmit
	Goodrich	Labedz	Robak	Withem
Chizek	Hall	Langford		

Present and not voting, 3:

Barrett	Byars	Chambers

Excused and not voting, 2:

Abboud	McFarland

The Hannibal amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Hall amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Messrs. Withem and Hartnett withdrew their pending amendment, AM1780, found in the Journal on page 2277.

Mr. Hefner renewed his pending amendment, AM1786, found in the Journal on page 2291.

Mrs. Langford 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. Hefner withdrew his pending amendment.

Messrs. Lynch, Chizek, Hall, and Mrs. Crosby renewed their pending amendment, AM1784, found in the Journal on page 2300.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Lynch requested a roll call vote the Lynch et al. amendment.

Voting in the affirmative, 28:

Baack	Chambers	Haberman	Lindsay	Pirsch
Beck	Chizek	Hall	Lynch	Robak
Bernard-Stevens	Conway	Hartnett	McFarland	Rogers
	Coordsen	Johnson, R.	Morrissey	Wesely
Beyer	Crosby	Labedz	Nelson	Withem
Byars	Goodrich	Landis	Peterson	

Voting in the negative, 17:

Ashford	Hefner	Langford	Schimek	Warner
Barrett	Johnson, L.	Moore	Scofield	Wehrbein
Elmer	Kristensen	Schellpeper	Smith	Weihing
Hannibal	Lamb			

Present and not voting, 2:

Dierks	Korshoj

Absent and not voting, 1:

Schmit

Excused and not voting, 1:

Abboud

The Lynch et al. amendment was adopted with 28 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Landis and Ms. Scofield renewed their pending amendment, AM1787, found in the Journal on page 2332.

The Landis-Scofield amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment, AM1810, found in the Journal on page 2361.

The Warner amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment, AM1855, found in the Journal on page 2379.

The Warner amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment, AM1843, found in the Journal on page 2382.

The Warner amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment, AM1845, found in the Journal on page 2383.

Mr. Warner offered the following amendment to his pending amendment:
FA266

(Amendment to AM1845)
1. In the amendment, page 1, strike lines 1 through 20.
2. Renumber

The Warner amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Warner requested a division of the question on the pending Warner amendment, as amended.

The Chair sustained the division of the question.

The first Warner amendment is as follows:
FA267
2. PURPOSE: To provide additional child welfare employees.
AMENDMENT: a. On page 77, line 5, strike "29,092,977" and insert "29,118,853" and strike "29,767,737" and insert "29,992,115"; in line 7 strike "40,488,590" and insert "40,495,059" and strike "43,379,391" and insert "43,435,485"; in line 8 strike "69,767,067" and insert "69,799,412" and strike "73,332,628" and insert "73,613,100"; in line 10 strike "$39,372,798" and insert "$39,396,903"; and in line 13 strike "$39,383,368" and insert "$39,587,677"; and
b. On page 86, line 17, strike "196,303,760" and insert "196,329,636" and strike "210,819,930" and insert "211,044,308"; in line 19 strike "296,162,968" and insert "296,169,437" and strike "321,469,155" and insert "321,525,249"; and in line 20 strike "492,942,228" and insert "492,974,573" and strike "532,764,585" and insert "533,045,057".

The first Warner amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The second Warner amendment is as follows:
FA268
3. PURPOSE: Increase day care rates and hold harmless Title XX fee paying clients.
AMENDMENT: a. On page 78, strike line 13 and insert:
"GENERAL FUND 58,329,088 61,419,689"
strike line 16 and insert:
"PROGRAM TOTAL 123,338,089 127,275,257"

in line 20 strike "$58,329,088" and insert "$58,329,088"; and in line 24 strike "$59,977,189" and insert "$61,419,689";

b. On page 82, strike line 3 and insert:

"GENERAL FUND 6,965,343 8,026,045"

and strike line 5 and insert:

"TOTAL 18,576,423 19,450,327"

c. On page 84, after line 12 insert:

"There is included in the appropriation under subdivision (3)(l) of this section $1,380,000 General Funds in FY1989-90 and FY1990-91 to be used by the Department of Social Services to provide for an increase in rates paid for child care under the Title XX Program. Also included is $62,500 General Funds in FY1989-90 and FY1990-91 to hold harmless Title XX clients who pay a portion of their child care costs."; and

d. On page 86, strike line 17 and insert:

"GENERAL FUND 197,746,260 212,262,430"

and strike line 20 and insert:

"AGENCY TOTAL 494,384,728 534,207,085".

The second Warner amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The third Warner amendment is as follows:

FA269

4. PURPOSE: Increase state aid for the development of psychiatric emergency services by $300,000 General Funds in FY1990-91.

AMENDMENT: a. On page 63, line 17, strike "31,760,028" and insert "32,060,028"; and in line 20 strike "43,499,929" and insert "43,799,929";

b. On page 64, line 6, strike "$8,691,671" and insert "$8,991,671";

c. On page 65, lines 6 and 7, strike "and FY1990-91"; and in line 8 after the period insert "There is included in the state aid appropriation to this program for FY1990-91 $600,000 General Funds which shall be used to develop psychiatric emergency services in the state."; and

d. On page 76, line 1, strike "77,722,912" and insert "78,022,912"; and in line 4 strike "120,770,230" and insert "121,070,230".

The third Warner amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment, AM1853, found in the Journal on page 2390.

The Warner amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Pending.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89049

DATE: May 11, 1989

SUBJECT: Constitutionality of an Appropriation for "Facility Maintenance and Planning Activities" Related to a Building which is not owned by the State of Nebraska

REQUESTED BY: Senator Rex Haberman
Nebraska Legislature

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

You have requested our opinion as to the "constitutionality of an appropriation for 'facility maintenance and planning activities' related to a building that is owned by an entity other than the State of Nebraska." From the context of your opinion request, together with the other materials which you provided to us, it appears that you are concerned that the appropriation in question violates Article XIII, Section 3 of our state constitution which provides that the credit of the state shall not be given in aid of any private individual, association or corporation. As discussed below, we have concluded that the appropriation in question does not violate that provision of our state constitution.

LB 164 initially was drafted to establish a state Task Force on Historic Preservation to survey and review historic preservation projects and activities in Nebraska. As a result of an amendment by the Government Military and Veterans Affairs Committee, the original bill was gutted, and LB 164 became a proposed amendment

to Neb.Rev.Stat. §81-815.21 providing that it is the intent of the Legislature that Joslyn Castle and its grounds should be preserved as a historical structure and as a part of the state park system. Coincidental to this change in LB 164, LB 813, the main appropriations bill, provides that the State Visitors Promotion Cash Fund shall receive $50,000 for fiscal year 1989-90 "for facility maintenance and planning activities related to the Joslyn Castle." Portions of the floor debate on this appropriation in LB 813 which you provided to us indicate that the $50,000 is to be used for a study to determine how best to utilize the Joslyn Castle, and for payment of utility costs and security costs for the building.

Joslyn Castle in Omaha is owned by the Omaha Public Schools, and is not a state property. As a result, you are concerned about the constitutionality of appropriating state monies for maintenance of a building which is not owned by the state. That concern prompted your opinion request to us.

Article XIII, Section 3 of our Nebraska Constitution provides, in pertinent part, "the credit of the state shall never be given or loaned in aid of any individual, association or corporation . . ." Our Supreme Court has indicated that the purpose of this section is to prevent the state from extending its credit to private enterprise. Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981). In essence, public monies may not be used for private purposes. State ex rel Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). However, no hard and fast rule can be established for determining whether a proposed expenditure of public funds is devoted to a public use or purpose, and each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare. United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956). It is for the Legislature to decide in the first instance what is and what is not a public purpose, and, to justify a court in declaring a particular action invalid, the absence of a public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). The vital point in all such determinations is whether the purpose is public, and if it is, it does not matter whether the agency through which the funds are dispensed is public or not; the appropriation is not made for the agency, but for the object which it serves. Id. The test in each case for whether there is a public purpose in a given appropriation is in the end, not in the means. Id.

In the present instance, we cannot say that there is clearly no public purpose involved in the appropriation of funds for the maintenance of Joslyn Castle. As noted above, the money here is

apparently going to a state agency for a study of the uses for Joslyn Castle, and for interim preservation of the facility itself. There apparently is no appropriation for maintenance other than for payment of utilities and security costs, and it does not appear that this appropriation constitutes an outright payment to a private entity. It also seems to us that it could be said that preservation of our architectural heritage and preparation of a new state park for all Nebraskans do constitute public purposes. As a result, we believe that it could be argued that there is a proper public purpose underlying the appropriation for preservation of Joslyn Castle, and we do not believe that such an appropriation violates Article XIII, Section 3 of our state constitution.

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

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

Opinion No. 89050

DATE: May 12, 1989

SUBJECT: Constitutionality of Legislature Bill 311 as amended and Legislative Power to Grant Authority To Issue Bonds.

REQUESTED BY: Senator Sandra K. Scofield, State Senator Legislative District No. 49.

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your request for an opinion of this Office concerning proposed Legislative Bill 311, as amended. LB 311, in part, provides for funding mechanisms for construction of wastewater treatment facilities.

The first inquiry is whether Article I, Section 26, and Article XIII, Section 2 of the Nebraska Constitution delegate to the Legislature the power to authorize the Nebraska Investment Finance Authority (NIFA) to issue Wastewater Treatment Facility Bonds. In reviewing

these provisions, issuance of bonds to finance wastewater treatment facilities is not expressly provided for.

Your related inquiry is, if not expressly provided for in Articles I and XIII, from what source does the Legislature derive the power "to authorize NIFA to issue these bonds?" It is the conclusion of this Office that the Legislature has the inherent power to enact legislation which would authorize the issuance of bonds if not constitutionally prohibited or inhibited. This conclusion is reached because an express grant of authority for specific purposes is not required under the Nebraska Constitution.

The Legislative grant of power is not derived solely from the Constitution but also, from the people of the State of Nebraska. Initially, the people have all legislative power. Generally, the widely accepted view is that a state legislature may generally pass any act because legislative capacity not constitutionally inhibited or prohibited is retained in the people and exercised by representatives of the people. Our Supreme Court in State, ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 353 N.W.2d 267 (1984), has accepted this view and recognized that the Constitution is not a grant of power but a limitation of power.

Further, this question was partially answered by the Court in State, ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88 (1968). In this case, the Court considered the question whether authority for issuance of revenue bonds by the Nebraska Clean Waters Commission was a valid delegation of legislative power. The Court noted that while the delegation of authority to the Commission was under generalized standards, the field of operation of the Commission is quite narrow. It was observed that the powers of the Commission are limited to assisting municipalities in the planning and financing of waste water collecting systems and treatment. The Court specifically held that the issuance of bonds was not an invalid delegation of legislative power to the Commission.

Accordingly, it is our opinion that while the Constitutional provisions you have referred to do not constitute a specific grant of power, these provisions do not expressly prohibit or limit the power of the Legislature to authorize issuance of bonds contemplated in LB 311.

The second question you have raised is whether Amendment 1620 is sufficient "to overcome the constitutional limitations on the indebtedness of the State?" In an earlier opinion of this Office, it was concluded that to the extent proposed LB 311 would authorize use of state funds for payment or to secure indebtedness or obligations of the Fund, it is offensive to Article XIII, Section 1, of the

Constitution of the State of Nebraska. Opinion of the Attorney General #89036, April 18, 1989.

AM 1620, in pertinent part, provides:

> The fund and assets thereof may be used, to the extent permitted by the Clean Water Act, as amended, and the regulations adopted and promulgated pursuant to such act, to pay or to secure the payment of bonds and the interest thereon, except that amounts deposited into the fund from state appropriations and the earnings on such appropriations may not be used to pay or to secure the payment of bonds or the interest thereon.

(emphasis added.)

Concern has been indicated that the State will use funds other than proceeds from the issuance of NIFA Bonds to guarantee repayment. Concern has also been expressed that the State will be "inserted" in place of the local financial institution in the financing mechanism contemplated by LB 311. While there may be other sources, financing mechanisms which derive funds from sources other than state general funds derived from state revenues are not constitutionally prohibited. In the earlier opinion of this Office, it was our conclusion that the Special Fund Doctrine is recognized in this State.

In reviewing LB 311 as amended, we are unable to determine whether financial institutions would be circumvented from participation in financial transactions which maybe undertaken. The role local financial institutions would play would depend on the structuring of any bond underwriting undertaken by NIFA. There is not sufficient information before us to conclude whether traditional roles of financial institutions would be supplanted by the State under the provisions of proposed LB 311. In any event, the role financial institutions would undertake under the auspices of a legislative enactment providing for a bond underwriting is a policy question to be decided by the legislature.

In conclusion, it is our opinion that the provisions of AM 1620 remove objection because of the Constitutional prohibition regarding debt since state funds are expressly prohibited from securing or paying debt obligations of the Wastewater Treatment Facilities Construction Loan Fund.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

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

21-01-4

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Kristensen asked unanimous consent to have his name added as co-introducer to LB 653. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 214. Introduced by McFarland, 28th District.

WHEREAS, the education of our youth is an important and honorable undertaking; and

WHEREAS, those who dedicate themselves to the teaching profession are deserving of special recognition for their efforts; and

WHEREAS, Mr. Ed Childress, industrial arts teacher at Lefler Junior High School, has served for over thirty years in the Lincoln public school system; and

WHEREAS, Mr. Childress will be retiring this spring, and he will be honored at a reception on May 25, 1989.

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

1. That the Legislature congratulates Mr. Ed Childress for his many years of fine service to the education of Lincoln's youth.

2. That a copy of this resolution be presented to Mr. Childress at the reception to be held in his honor on May 25, 1989.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Tuesday, May 23, 1989 1:15 p.m.
Motor Vehicle Industry Licensing Board
Jim L. Carr
Vera Dulaney

(Signed) Howard Lamb, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 761A. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM1869

1. Insert the following new section:

"Sec. 5. The Tax Commissioner may apply to the Director of Administrative Services and the Auditor of Public Accounts to establish and maintain a Charitable Gaming Investigation Petty Cash Fund. The funds used to initiate and maintain the Charitable Gaming Investigation Petty Cash Fund shall be drawn solely from the Charitable Gaming Operations Fund. The Tax Commissioner shall determine the amount of money to be held in the Charitable Gaming Investigation Petty Cash Fund, consistent with carrying out the duties and responsibilities of the Charitable Gaming Division of the Department of Revenue but not to exceed five thousand dollars for the entire division. This restriction shall not apply to funds otherwise appropriated to the Charitable Gaming Operations Fund for investigative purposes. When the Director of Administrative Services and the Auditor of Public Accounts have approved the establishment of the Charitable Gaming Investigation Petty Cash Fund, a voucher shall be submitted to the Department of Administrative Services accompanied by such information as the department may require for the establishment of the fund. The Director of Administrative Services shall issue a warrant for the amount specified and deliver it to the Charitable Gaming Division. The fund may be replenished as necessary, but the total amount in the fund shall not exceed ten thousand dollars in any fiscal year. The fund shall be audited by the Auditor of Public Accounts.

Any prize amounts won by Charitable Gaming Division personnel with funds drawn from the Charitable Gaming Investigation Petty Cash Fund or reimbursed from the Charitable Gaming Operations Fund shall be deposited into the Charitable Gaming Operations Fund.

For the purpose of establishing and maintaining legislative oversight and accountability, the Department of Revenue shall maintain records of all expenditures, disbursements, and transfers of cash from the Charitable Gaming Investigation Petty Cash Fund.

By September 15 of each year, the department shall report to the budget division of the Department of Administrative Services and to the Legislative Fiscal Analyst the unexpended balance existing on June 30 of the previous fiscal year relating to investigative expenses in the Charitable Gaming Investigation Petty Cash Fund and any funds existing on June 30 of the previous fiscal year in the possession of Charitable Gaming Division personnel involved in investigations. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 18 eighth grade students and teacher from Assumption School, Omaha; Senator Lynch's grandson, Josh Le May, and 60 fourth grade students from Morton Elementary School, Omaha; school superintendents from across the state; 30 fourth and fifth grade students and teachers from Adams School, Omaha; 14 students and teacher from Bancroft; and 16 sixth, seventh, and eighth grade students from Zion Lutheran School, Worms.

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 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, McFarland, Withem, and Mrs. Labedz who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 813. Mr. Coordsen and Mrs. Crosby renewed their pending amendment, AM1839, found in the Journal on page 2392.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Coordsen requested a roll call vote on the Coordsen-Crosby amendment.

Voting in the affirmative, 33:

Abboud	Byars	Elmer	Kristensen	Pirsch
Ashford	Chambers	Goodrich	Lamb	Robak
Baack	Chizek	Haberman	Landis	Rogers
Beck	Conway	Hall	Lindsay	Schellpeper
Bernard-Stevens	Coordsen	Hartnett	McFarland	Smith
	Crosby	Hefner	Nelson	Weihing
Beyer	Dierks	Korshoj	Peterson	

Voting in the negative, 5:

Barrett	Scofield	Warner	Wehrbein	Wesely

Present and not voting, 8:

Hannibal	Johnson, R.	Lynch	Morrissey	Schimek
Johnson, L.	Langford	Moore		

Excused and not voting, 3:

Labedz	Schmit	Withem

The Coordsen-Crosby amendment was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
AM1847

1. On page 89, after line 5, insert the following new paragraph:

"It is the intent of the Legislature that the Department of Roads give priority to those highway construction projects involving highways which have not been improved or the dominant pavement of which has not been resurfaced for thirty or more years as indicated by the most recent highway needs study. Such improvements or resurfacing shall be completed not later than July 1, 1996.".

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 10:

Abboud	Chizek	Crosby	Haberman	Rogers
Baack	Conway	Elmer	Labedz	Smith

Voting in the negative, 17:

Beyer	Korshoj	Langford	Robak	Wehrbein
Byars	Kristensen	Lindsay	Schmit	Weihing
Hartnett	Lamb	Moore	Warner	Wesely
Johnson, L.	Landis			

Present and not voting, 21:

Ashford	Chambers	Hannibal	McFarland	Pirsch
Barrett	Coordsen	Hefner	Morrissey	Schellpeper
Beck	Dierks	Johnson, R.	Nelson	Schimek
Bernard-Stevens	Goodrich	Lynch	Peterson	Scofield
	Hall			

Excused and not voting, 1:

Withem

The Haberman amendment lost with 10 ayes, 17 nays, 21 present and not voting, and 1 excused and not voting.

Pending.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 215. Introduced by McFarland, 28th District.

WHEREAS, the Boy Scouts of America organization has encouraged character development and citizenship training for boys and young men since 1910; and

WHEREAS, on May 19, 1914, Southview Christian Church of Lincoln took out a charter to sponsor a Boy Scout Troop; and

WHEREAS, Troop 16 of Southview Christian Church has been active for the last seventy-five years; and

WHEREAS, Troop 16 has had a unique history of leadership in those seventy-five years. The troop has had only six scoutmasters who have all been members of Southview Christian Church; and

WHEREAS, Troop 16 will be celebrating its seventy-fifth anniversary on June 9-11, 1989, to honor all past and present members of the troop.

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

1. That the Legislature recognizes the history of service to the community through the ideals of scouting demonstrated by Boy Scout Troop 16.

2. That a copy of this resolution be presented to Mike Hedrick, Scouting Coordinator for Troop 16 to commemorate its seventy-fifth anniversary on June 9-11, 1989.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 355A in the Journal. No objections. So ordered.

AM1876

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $6,240 from the General Fund for the period July 1, 1989, to June 30, 1990, and (2) $6,240 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Public Institutions, for Program 424, to aid in carrying out the provisions of Legislative Bill 355, Ninety-first Legislature, First Session, 1989.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 2, lines 15 and 16, strike "$102,960" and insert "$143,067".

3. On page 3, lines 1 and 3, strike "$9,288" and insert "$18,648".

4. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 309 in the Journal. No objections. So ordered.

AM1875

1. Insert the following new section:

"Section 1. That section 14-1803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1803. Any city of the metropolitan class may create by ordinance a transit authority to be managed and controlled by a board of five members which shall be appointed as provided in section 14-1813; and shall have full and exclusive jurisdiction and control over all facilities owned or acquired by such city for a public passenger transportation system. The ~~; PROVIDED, that the~~ governing body of such city, in the exercise of its discretion, shall find and determine in the ordinance creating such transit authority that its creation is expedient and necessary. The chairperson of such transit authority shall be paid, as compensation for his or her services, not more than ~~two hundred fifty~~ six hundred dollars per month. Each other member of such transit authority shall be paid, as compensation for his or her services, not more than ~~two~~ five hundred dollars per month. All salaries and compensation shall be obligations against and paid solely from the revenue

of such transit authority. Members of such transit authority shall also be entitled to reimbursement for expenses paid or incurred in the performance of the duties imposed upon them by ~~sections 14-1801 to 14-1826~~ the Transit Authority Law with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees. The board may delegate to one or more of the members~~,~~ or to ~~its~~ officers, agents, and employees~~,~~ of the authority such powers and duties as it may deem proper. Any transit authority created pursuant to ~~sections 14-1801 to 14-1826~~ such law shall have and retain full and exclusive jurisdiction and control over all public passenger transportation systems in such city, excluding taxicabs and railroad systems, with the right and duty to charge and collect revenue for the operation and maintenance of such systems and for the benefit of the holders of any of its bonds or other liabilities. ~~In the event~~ If such authority ceases to exist, its rights and properties shall pass to and vest in such city.".

2. In the Standing Committee amendment, AM1442, on page 2, line 19, after "sections" insert "14-1803," and after "81-1317" insert a comma.

3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 817A. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-first Legislature, First Session, 1989.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 285 and 285A.

Correctly Engrossed

The following bills were correctly engrossed: 653 and 653A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 285
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6201

1. In the Lamb amendment, AM1656, on page 1, line 3, "143," has been inserted after the third comma; and in line 9 "is" has been struck and "and section 3, Legislative Bill 25, Ninety-first Legislature, First Session, 1989, are" inserted.

2. On page 192, the matter beginning with "section" in line 21 through the second comma in line 23 has been struck.

Enrollment and Review Change to LB 653

The following changes, required to be reported for publication in the Journal, have been made:
ER6198

1. In the Kristensen amendment, AM1770:

a. On page 1, line 15, "a" has been inserted after "for"; and

b. On page 4, line 24, "if" has been struck.

2. On page 1, line 1, "to amend section 77-1513, Reissue Revised Statutes of Nebraska, 1943, and section 77-1510, Revised Statutes Supplement, 1988;" has been inserted after the semicolon; in line 4 "and" has been struck; and in line 5 "; to change provisions relating to appeals from actions of the county board of equalization and the costs of such appeals; to provide for confession of judgment as prescribed; to repeal the original sections; and to declare an emergency" has been inserted after "commission".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 813. Mr. Chambers reoffered the following amendment:
AM1636

1. On page 38, strike line 3 and insert

"GENERAL FUND 448,654 441,286; strike line 4 and insert "PROGRAM TOTAL 448,654 441,286"; in line 6 strike "$321,392" and insert "$344,637"; in line 9 strike "$321,392" and insert "$344,637"; strike line 13 and insert "GENERAL FUND 472,819 465,452"; and strike line 14 and insert "AGENCY TOTAL 472,819 465,452".

The Chambers amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Schmit withdrew his pending amendments, AM1645 and AM1644, found in the Journal on page 2034.

Messrs. Wesely, Morrissey, Coordsen, and Mrs. Smith withdrew their pending amendment, AM1605, found in the Journal on page 1988.

Mr. Peterson offered the following amendment:
AM1773

PURPOSE: Provide funds in FY1989-90 and in FY1990-91 to open ward 16 at the Norfolk Regional Center.

1. On page 63, line 17, strike "30,373,748" and insert "30,936,857" and strike "31,760,028" and insert "32,343,656"; in line 18 strike "7,474,774" and insert "7,749,774" and strike "7,293,792" and insert "7,578,662"; in line 20 strike "42,286,276" and insert "43,124,385" and strike "43,499,929" and insert "44,368,427"; in line 22 strike "$22,655,188" and insert "$23,305,479"; and in line 25 strike "$22,655,188" and insert "$23,339,619".

2. On page 66, after line 4, insert:

"There is included in the appropriation to this program for FY1989-90 $563,109 General Funds and $275,000 Cash Funds to open ward 16 at the Norfolk Regional Center, which shall only be used for such purpose. There is included in the appropriation to this program for FY1990-91 $583,628 General Funds and $284,870 Cash Funds to open ward 16 at the Norfolk Regional Center, which shall only be used for such purpose.".

3. On page 76, line 1, strike "75,485,854" and insert "76,048,963" and strike "77,722,912" and insert "78,306,540"; in line 2 strike "23,689,026" and insert "23,964,026" and strike "23,124,966" and insert "23,409,836"; and in line 4 strike "119,226,549" and

insert "120,064,658" and strike "120,770,230" and insert "121,638,728".

PRESIDENT NICHOL PRESIDING

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 Peterson amendment was adopted with 31 ayes, 4 nays, 13 present and not voting, and 1 excused and not voting.

Messrs. R. Johnson, Baack, and Mrs. Smith offered the following amendment:
AM1658

1. On page 147, line 18, strike "1,257,502" and insert "11,257,502" and strike "16,106,073" and insert "6,106,073"; and in line 19 strike "1,257,502" and insert "11,257,502" and strike "16,106,073" and insert "6,106,073".

2. On page 148, line 3, strike "1,670,626" and insert "11,670,626" and strike "16,524,851" and insert "6,524,851"; and in line 4 strike "1,670,626" and insert "11,670,626" and strike "16,524,851" and insert "6,524,851".

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.

The R. Johnson-Baack-Smith amendment was adopted with 26 ayes, 11 nays, 11 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 525 in the Journal. No objections. So ordered.

AM1862

1. Insert the following new section:

"Sec. 6. The State Treasurer is hereby directed to transfer $40,000,000 from the General Fund

to the Securities Act Cash Fund on or before July 15, 1989. It is the intent of the Legislature that the amount transferred by this section be invested in United States treasury bills and treasury notes. It is the intent of the Legislature that investments be made with maturities that maximize interest return, with (1) twenty percent of transferred funds to be available as cash for transfer approximately two years from July 31, 1989, (2) twenty percent available approximately three years from July 31, 1989, (3) twenty percent available approximately four years from July 31, 1989, (4) twenty percent available approximately five years from July 31, 1989, and (5) twenty percent available approximately six years from July 31, 1989. It further is the intent of the Legislature to transfer amounts described in subdivisions (1) through (5) of this section, including accrued interest generated by that amount, in a manner to be determined by future Legislatures.".

2. Renumber the remaining section accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1854

(Amendments to Final Reading Second)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 2 and 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15.

Sec. 2. The Legislature finds that a major state income tax increase was enacted by the Legislature in 1987 which had the greatest impact on middle-income persons and for those affected persons the state income tax increase was between twenty and fifty percent. Despite debate as to whether such a tax increase was intended or not intended, an income tax increase did

occur as a result of the tax rewrite of 1987 and that tax increase has resulted in cash receipts exceeding projections over the life of the tax increase. For high-income Nebraskans, especially those persons whose income exceeds one hundred thousand dollars per year, the tax rewrite has resulted in a substantial income tax decrease. The Legislature finds that since a major income tax increase was not intended by the Legislature in 1987 it is only right and fair that, to the degree reasonably possible, the bulk of the excess money generated by the tax increase should be returned to the Nebraskans who were the victims of the tax increase.

The Legislature further finds that despite the importance of property tax relief, it is even more important that those Nebraskans who pay high property taxes and who were the victims of the income tax increase should receive priority in obtaining relief from excessive taxes on both income and property. It is of utmost importance that any property tax relief program should not give large tax breaks to those who need the tax breaks the least and to those who have already benefited from state legislation such as that enacted under LB 775 in 1987. Any property tax relief program should be integrated with the existing state income tax system to make certain any property tax relief provided to Nebraskans will not result in the loss of deductions at the federal income tax level, be implemented with little or no additional administrative cost, and have no constitutional problems or questions which could put the program in jeopardy.

Sec. 3. For taxable year 1989 there shall be allowed to each resident and nonresident individual and to each corporation doing business in this state a refundable credit against the tax imposed by sections 77-2714 to 77-27,135 equal to twenty percent of the property taxes paid by such individual or corporation on real and personal property other than motor vehicles to political subdivisions of the state. The credit provided in this section shall not exceed one thousand dollars. The Tax Commissioner may adopt and promulgate rules and regulations to carry out this section.

Sec. 4. This act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1989, under the Internal Revenue Code of

1986, as amended.

Sec. 5. That original section 77-2701, Revised Statutes Supplement, 1988, is repealed.".

2. On page 1, strike lines 2 through 9 and insert "section 77-2701, Revised Statutes Supplement, 1988; to state intent; to provide a refundable credit for property taxes paid as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.".

3. On page 2, strike lines 1 through 5.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

AM1872

(Amendments to Final Reading Second)

1. Insert the following new section:

"Sec. 18. There is hereby appropriated $20,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the School Foundation and Equalization Fund, for state aid to education. The School Foundation and Equalization Fund is hereby appropriated for such purpose. Of such appropriations not more than seventy-two percent thereof may be used for funding the provisions of section 79-1334 for the period, and the remaining amount shall be used to fund the provisions of sections 79-1339 and 79-1340 for the period.".

2. On page 2, line 1, after the semicolon insert "to appropriate funds for state aid to education;".

3. On page 3, line 22; and page 6, line 4, strike "eight and one-half" and insert "six and seventy-five hundredths".

4. On page 5, line 24, strike "five thousand four" and insert "four thousand three".

5. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1871

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. There is hereby appropriated $20,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $20,000,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the School Foundation and Equalization Fund, for state aid to education. The School Foundation and Equalization Fund is hereby appropriated for such purpose. Of such appropriations not more than seventy-two percent thereof may be used for funding the provisions of section 79-1334 for each period, and the remaining amount shall be used to fund the provisions of sections 79-1339 and 79-1340 for each period.".

2. On page 1, strike beginning with "revenue" in line 1 through line 8 and insert "education; to appropriate funds for state aid to education as prescribed.".

SELECT FILE

LEGISLATIVE BILL 813. Mr. Schmit moved to reconsider the adoption of the R. Johnson et al. amendment, AM1658.

Mr. Schmit withdrew his motion to reconsider.

Mr. Schmit offered the following amendment:
AM1860

1. On page 185, strike lines 8 and 9 and insert:

"CASH FUND	300,000	400,000
PROGRAM TOTAL	300,000	400,000";

strike lines 14 through 19 and insert:

"There is included in the appropriation to this program for community improvements pursuant to section 81-15,113.01 $300,000 Cash Funds for FY1989-90 and $300,000 Cash Funds for FY1990-91. There is included in the appropriation to this program for the local monitoring committee pursuant to section 81-15,101.01 $100,000 Cash Funds for FY1990-91."; and strike line 24 and insert:

"CASH FUND	3,698,647	3,798,647".

2. On page 186, strike line 1 and insert:

16 "AGENCY TOTAL 10,961,307 11,061,307".

The Schmit amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Conway reoffered his amendment, FA220, found in the Journal on page 2121.

Messrs. Peterson, Haberman, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore 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. Conway moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Ashford	Conway	Kristensen	Moore	Schimek
Baack	Elmer	Labedz	Morrissey	Schmit
Bernard-Stevens	Hall	Landis	Nelson	Scofield
	Hartnett	Lynch	Pirsch	Smith
Chambers	Hefner	McFarland	Rogers	Wesely
Chizek	Korshoj			

Voting in the negative, 14:

Abboud	Beyer	Crosby	Langford	Wehrbein
Barrett	Byars	Johnson, L.	Schellpeper	Weihing
Beck	Coordsen	Lamb	Warner	

Present and not voting, 5:

Dierks	Goodrich	Hannibal	Lindsay	Robak

Excused and not voting, 4:

Haberman	Johnson, R.	Peterson	Withem

The Conway 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.

Messrs. Ashford, McFarland, and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved to reconsider the adoption of the Conway amendment, FA220.

Messrs. Hall and Chizek 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 28 ayes, 0 nays, and 21 not voting.

The Bernard-Stevens motion to reconsider prevailed with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

SPEAKER BARRETT PRESIDING

The Conway amendment, FA220, found in the Journal on page 2121 and considered in this day's Journal, was reconsidered.

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. Conway moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baack	Hall	Labedz	Nelson	Scofield
Beyer	Hartnett	Landis	Pirsch	Smith
Conway	Korshoj	Moore	Rogers	Wesely
Dierks	Kristensen	Morrissey	Schimek	

Voting in the negative, 18:

Abboud	Byars	Haberman	Lamb	Warner
Beck	Coordsen	Hefner	Langford	Wehrbein
Bernard-Stevens	Crosby	Johnson, L.	Peterson	Weihing
	Goodrich	Johnson, R.	Schellpeper	

Present and not voting, 7:

Barrett	Hannibal	Lynch	Robak	Schmit
Elmer	Lindsay			

Excused and not voting, 5:

Ashford	Chambers	Chizek	McFarland	Withem

The Conway amendment lost with 19 ayes, 18 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

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

Suspend the rules, Rule 6, Section 7(b), and Rule 8, Section 5, to permit consideration on final reading of bills having a fiscal impact of less than one million dollars for either the 1989-90 or 1990-91 fiscal year prior to passage of the appropriation bills.

Mr. Ashford asked unanimous consent to print the following amendment to LB 272 in the Journal. No objections. So ordered.

AM1868

1. Insert the following new sections:

"Section 1. That section 8-157, Revised Statutes Supplement, 1988, 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)~~ through (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 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 (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, 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. 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 eighteen months 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, a bank may acquire the assets and assume the deposits of a detached auxiliary office of another bank in Nebraska if: (a) The acquired detached auxiliary office has been approved for more than eighteen months; (b) the acquired detached auxiliary office is converted to an auxiliary office of the acquiring bank; and (c) the bank from which the detached auxiliary office is acquired and the acquiring bank are subsidiaries of the same bank holding company or the detached auxiliary office to be acquired was chartered as a bank prior to becoming a detached auxiliary office. All banking transactions allowed by

law may be made at a detached auxiliary office acquired pursuant to this subsection. Such auxiliary office shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached auxiliary offices of the acquired bank as auxiliary offices of the acquiring bank.

(5) ~~(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.

(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.

Sec. 28. That original section 8-157, Revised Statutes Supplement, 1988, is repealed.

Sec. 29. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the Landis amendment, AM1174:

a. On page 1, line 3, strike "3 to 22" and insert "4 to 23";

b. On page 2, line 5; and page 5, line 21, strike "5" and insert "6";

c. On page 3, line 21; and page 4, line 1, strike "6" and insert "7";

d. On page 8, line 18, strike "11" and insert "12"; and

e. On page 21, line 10, strike "This" and insert "Sections 2 to 24 and 27 of this"; and in line 11 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1863.)

RESOLUTION

LEGISLATIVE RESOLUTION 216. Introduced by Scofield, 49th District.

WHEREAS, the Nebraska National Forest in the northern Panhandle is representative of Nebraska's finest natural resources. Just as the presence of a forested area is a dramatic change from the rolling sand hills and broad table lands of the region, so, too, is the presence of a coniferous forest in the high plains a rare and significant occurrence; and

WHEREAS, the region has a rich history as home to the Sioux Indian, the site of a vigorous fur trade, and host of historic Fort Robinson. On May 22, 1989, that history and the significance of the region as a natural attraction will be recognized when the Soldier Creek Wilderness Area is officially dedicated; and

WHEREAS, the seven thousand seven hundred ninety-four acres of Ponderosa pine, meadows, and hardwood draws in the Soldier Creek Wilderness Area comprise the largest and only the second such area in Nebraska. The other wilderness area is the Fort Niobrara National Wildlife Area. Designation as a wilderness area was made possible by passage of the federal Nebraska Wilderness Act of 1985. There are ninety-one million acres in wilderness areas nationwide; and

WHEREAS, the Soldier Creek Wilderness Area is part of the original Fort Robinson Military Reservation and gets its name from the stream that runs through the fort; and

WHEREAS, the designation of Soldier Creek as a wilderness area not only acknowledges the natural and recreational significance of the area and recognizes the unique flora and fauna of the region but also it preserves the heritage of a territory that played a key role in the settlement of the western United States, and the Legislature hereby recognizes the new Soldier Creek Wilderness Area; and

WHEREAS, a special dedication ceremony will be held Monday, May 22, 1989, to celebrate Nebraska's new wilderness area and to celebrate the twenty-fifth anniversary of the federal Wilderness Act.

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

1. That the Legislature joins the citizens of the state and the sponsors of the wilderness designation in celebrating the addition of Soldier Creek Wilderness Area to the long list of Nebraska's attributes.

2. That since the Legislature will be in session and the members therefore unable to attend, copies of this resolution shall be sent to the Nebraska Congressional Delegation, the United States Forest Service office in Chadron, and the Chadron Chamber of Commerce, the Crawford Chamber of Commerce, the Harrison Ladies Community Club, and the Harrison Community Club, all of whom are sponsoring post-dedication festivities.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 272A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 813. Messrs. Wesely, Morrissey, Coordsen, and Mrs. Smith withdrew their pending amendment, AM1602, found in the Journal on page 2304.

Mr. Lindsay offered the following amendment:
FA270
PURPOSE: To increase General Fund appropriation for state aid to public libraries, resource libraries and library systems by $250,000 in each of FY 1989-90 and FY 1990-91.
AMENDMENT:

On page 101, in line 21, strike "889,986" and insert "1,139,986", and strike "917,912" and insert "1,167,912"; and in line 24, strike "1,847,606" and insert "2,097,606", and strike "1,733,633" and insert "1,983,633".

On page 102, in line 6, strike "818,448" and insert "1,068,448"; in line 10, strike "855,823" and insert "1,105,823"; in line 20, strike "2,257,796" and insert "2,507,796", and strike "2,282,167" and insert "2,532,167"; and in line 23, strike "3,524,362" and insert "3,774,362", and strike "3,414,838" and insert "3,664,838".

Mr. Lamb 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 Lindsay amendment lost with 14 ayes, 18 nays, 12 present and not voting, and 5 excused and not voting.

Messrs. Wesely, Landis, and Baack offered the following amendment:
AM1745

1. On page 50, line 17, strike "4,106,684 4,106,684" and insert "4,142,684 4,142,684"; in line 20 strike "13,463,057 13,274,752" and insert "13,499,057 13,310,752"; and in lines 22 and 25 strike "$8,670,101" and insert "$8,702,101".

2. On page 51, after line 8 insert:

"It is the intent of the Legislature that the Department of Health determine the feasibility of and prepare a plan to establish a state health care cost

index. The purpose of such index would be to monitor, evaluate, and interpret information regarding health care costs. Such index should draw upon information to be provided by private and public employers, including the State of Nebraska, the University of Nebraska, and the Nebraska State Colleges. Such planning should also include cost information concerning state-funded programs for health care, including medical assistance, the Medically Handicapped Children's Services Program, the Comprehensive Health Insurance Pool, and such other programs as may exist. The department shall report its initial findings to the Legislature by December 1, 1989. There is included in the appropriation to this program $36,000 General Funds for FY1989-90 and FY1990-91 to be used for this purpose.".

3. On page 53, line 7, strike "5,251,172 5,251,172" and insert "5,287,172 5,287,172"; and in line 10 strike "31,960,692 31,772,468" and insert "31,996,692 31,808,378".

Mr. Abboud 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 Wesely-Landis-Baack amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Baack offered the following amendment:
AM1877

1. On page 191, after line 5, insert the following new paragraphs:

"On July 1, 1989, the State Treasurer and the Risk Manager are hereby directed to transfer $32,795 from interest earnings in the State Employees Insurance Fund, Program No. 510, to the Department of Personnel Cash Fund.

On July 1, 1990, the State Treasurer and the Risk Manager are hereby directed to transfer $33,318 from interest earnings in the State Employees Insurance Fund, Program No. 510, to the Department of Personnel Cash Fund.".

The Baack amendment was adopted with 26 ayes, 0 nays, 18 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.

Mr. Moore offered the following amendment:
FA271

On page 120, in line 15, strike "8,835,245" and insert "8,993,687", and strike "9,251,155" and insert "9,652,013"; in line 18 strike "32,428,480" and insert "32,586,922", and strike "33,125,003" and insert "33,525,861".

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.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 8:

Beck	Korshoj	Moore	Pirsch	Wesely
Beyer	Lynch	Morrissey		

Voting in the negative, 26:

Abboud	Crosby	Kristensen	Lindsay	Scofield
Baack	Elmer	Labedz	Nelson	Smith
Barrett	Goodrich	Lamb	Rogers	Warner
Bernard-Stevens	Haberman	Landis	Schellpeper	Wehrbein
Byars	Hannibal	Langford	Schimek	Weihing
	Johnson, L.			

Present and not voting, 9:

Conway	Dierks	Hartnett	Peterson	Schmit
Coordsen	Hall	Hefner	Robak	

Excused and not voting, 6:

Ashford	Chizek	Johnson, R.	McFarland	Withem
Chambers				

The Moore amendment lost with 8 ayes, 26 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following Chizek amendment:
AM1882

1. On page 56, after line 13, insert
"CASH FUND 1,000,000 -0-"
in line 15 strike "10,319,899" and insert "11,319,899";
and after line 22 insert the following new paragraphs:
"There is included in the appropriation to this program for FY1989-90 $1,000,000 Cash Funds for state aid, which shall only be used for such purpose.
The State Treasurer shall transfer $1,000,000 from the Employment Security Special Contingent Fund to the Department of Labor, Division of Job Training on July 1, 1989.
No expenditures for personal services shall be made from funds appropriated to this program.".
2. On page 57, line 14, strike the first "$310,000" and insert "$1,310,000"; and in line 16 strike "31,119,865" and insert "32,119,865".
3. On page 164, strike line 3; in line 4 strike "1,275,000" and insert "275,000"; in line 6 strike "$1,000,000 Cash Funds and"; and strike lines 23 through 25.
4. On page 165, strike line 1.

Mr. Hannibal 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. Hall moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Hall requested a roll call vote on the Chizek amendment.

Voting in the affirmative, 18:

Ashford	Hartnett	Landis	Morrissey	Schellpeper
Chambers	Johnson, R.	Lindsay	Nelson	Schmit
Dierks	Korshoj	Lynch	Robak	Wesely
Hall	Labedz	McFarland		

Voting in the negative, 26:

Abboud	Beyer	Goodrich	Langford	Scofield
Baack	Byars	Hefner	Moore	Smith
Barrett	Conway	Johnson, L.	Pirsch	Warner
Beck	Coordsen	Kristensen	Rogers	Wehrbein
Bernard-Stevens	Crosby	Lamb	Schimek	Weihing
	Elmer			

Present and not voting, 2:

Haberman Peterson

Excused and not voting, 3:

Chizek Hannibal Withem

The Chizek amendment lost with 18 ayes, 26 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:
AM1807

1. On page 113, line 17, strike "Assistance"; and in line 25 strike each occurrence of "136,575" and insert "536,872".

2. On page 114, line 2, strike each occurrence of "657,928" and insert "1,058,225"; in lines 4 and 8 strike "$136,575" and insert "$536,872"; and strike lines 11 through 23.

3. On page 115, line 18, strike "1,054,641 1,058,490" and insert "1,454,938 1,458,787"; and in line 21 strike "1,784,194 1,760,043" and insert "2,184,491 2,160,340".

4. On page 118, line 17, strike "6,859,978 6,845,010" and insert "6,838,621 6,823,653"; and in line 21 strike "12,942,758 13,180,077" and insert "12,921,401 13,158,720".

5. On page 119, line 4, strike "$450,812" and insert "$429,455"; in line 5 strike "$473,350" and insert "$451,993"; and in line 7 strike each occurrence of "$21,357" and insert "-0-".

6. On page 120, line 14, strike "15,273,654 15,463,440" and insert "15,218,966 15,408,752"; and in

line 18 strike "32,428,480 33,125,003" and insert "32,373,792 33,070,315".

7. On page 121, line 1, strike "$1,045,388" and insert "$990,700"; in line 2 strike "$1,097,657" and insert "$1,042,969"; and in line 4 strike each occurrence of "$54,688" and insert "-0-".

8. On page 122, line 21, strike "3,921,903 3,919,364" and insert "3,909,271 3,906,732"; and in line 25 strike "6,702,407 6,774,442" and insert "6,689,775 6,761,810".

9. On page 123, line 8, strike "$200,562" and insert "$187,930"; in line 9 strike "$210,590" and insert "$197,958"; and in line 11 strike each occurrence of "$12,632" and insert "-0-".

10. On page 124, line 18, strike "7,403,622 7,411,278" and insert "7,378,482 7,386,138"; and in line 22 strike "13,495,815 13,685,822" and insert "13,470,675 13,660,682".

11. On page 125, line 5, strike "$458,310" and insert "$433,170"; in line 6 strike "$481,226" and insert "$456,086"; and in line 8 strike each occurrence of "$25,140" and insert "-0-".

12. On page 127, strike lines 2 through 23 and all amendments thereto and insert the following:

"GENERAL FUND	205,525,325	208,880,915
PROGRAM TOTAL	205,525,325	208,880,915

FOR INFORMATIONAL PURPOSES ONLY: The General Fund Allocation to the Board of Regents of the University of Nebraska by campus:

	FY1989-90	FY1990-91
University of Nebraska-Lincoln excluding the Institute of Agriculture and Natural Resources	68,673,134	68,454,133
Institute of Agriculture and Natural Resources	38,107,767	38,355,839
Total University of Nebraska - Lincoln	106,780,901	106,809,972
University of Nebraska Medical Center	54,403,569	54,547,637
University of Nebraska at Omaha	29,058,174	29,008,242
University of Nebraska		

Central Administration		6,482,681	6,515,064
Research Initiative		8,000,000	12,000,000
Minority Student			
Scholarship Program		800,000	-0-".

13. On page 131, line 9, strike "$7,027,939" and insert "$6,853,813"; in lines 11 and 17 strike "$174,126" and insert "-0-"; and in line 15 strike "$7,379,336" and insert "$7,205,210".

14. On page 180, line 6, strike "27,112,056 32,260,171" and insert "26,999,702 32,147,817"; in line 7 strike "27,112,056 32,260,171" and insert "26,999,702 32,147,817"; and in lines 16 and 17 strike "$112,354" and insert "-0-".

15. On page 182, line 25, strike "27,112,056 32,260,171" and insert "26,999,702 32,147,817".

16. On page 183, line 2, strike "27,562,056 32,710,171" and insert "27,449,702 32,597,817".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 815A. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 815, Ninety-first Legislature, First Session, 1989.

SELECT FILE

LEGISLATIVE BILL 814. E & R amendments, AM7070, found in the Journal on page 2302 for the Eighty-Second Day, were adopted.

Messrs. Chambers, Chizek, and Kristensen reoffered their amendment, AM1691, found in the Journal on page 2242.

Mr. Ashford and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Beck and Mr. Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 11 nays, and 23 not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

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.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the Chambers et al. amendment.

Voting in the affirmative, 20:

Baack	Crosby	Kristensen	Lynch	Robak
Bernard-Stevens	Hall	Labedz	Morrissey	Schmit
Chambers	Hartnett	Lamb	Nelson	Smith
Conway	Korshoj	Lindsay	Peterson	Wesely

Voting in the negative, 20:

Abboud	Byars	Haberman	Langford	Scofield
Barrett	Coordsen	Hefner	Moore	Warner
Beck	Elmer	Johnson, L.	Schellpeper	Wehrbein
Beyer	Goodrich	Landis	Schimek	Weihing

Present and not voting, 2:

Dierks McFarland

Excused and not voting, 7:

Ashford	Hannibal	Pirsch	Rogers	Withem
Chizek	Johnson, R.			

The Chambers et al. amendment lost with 20 ayes, 20 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen renewed his pending amendment, FA245, found in the Journal on page 2250.

Mr. Coordsen withdrew his pending amendment.

Mr. Warner renewed his pending amendment, AM1789, found in the Journal on page 2360.

The Warner 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, AM1831, found in the Journal on page 2376.

The Warner amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Ms. Schimek renewed her pending amendment, AM1817, found in the Journal on page 2380.

The Schimek amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Warner renewed his pending amendment, AM1844, found in the Journal on page 2382.

The Warner amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
AM1880
1. On page 7, line 16, strike "$345,000" and insert "$35,000".

Mr. Schmit withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 469. E & R amendments, AM7071, found in the Journal on page 2312 for the Eighty-Second Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 310. E & R amendment, AM7073, found in the Journal on page 2312 for the Eighty-Second Day, was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 727. E & R amendments, AM7076, found in the Journal on page 2312 for the Eighty-Second Day, were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM1888

(Amendments to Final Reading copy)

1. On page 20, line 13, after "72-1276" insert ", except that any bond proceeds in the fund shall be invested in accordance with the terms of the documents under which the bonds are issued. The state investment officer may direct that the bond proceeds shall be deposited with the bond trustee for investment"; and in line 18 after "security" insert ", investment,".

Mr. Schmit asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1883.)

VISITORS

Visitors to the Chamber were 38 fourth grade students and teachers from Stoddard Elementary School, Beatrice; ten seventh and eighth grade students and sponsor from Sacred Heart, Emerson; ten

kindergarten through fifth grade students and teacher from Inland; Mr. and Mrs. Orvill Feyerherm from West Point; and 85 fourth grade students and teacher from Fairbury and Jefferson schools.

ADJOURNMENT

At 8:13 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 8:00 a.m., Wednesday, May 17, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 17, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 17, 1989

Pursuant to adjournment, the Legislature met at 8:04 a.m., Mr. Lamb presiding.

PRAYER

The prayer was offered by Rev. John Mikkelsen, First United Methodist Church, Columbus, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Barrett, Chambers, Conway, R. Johnson, Lindsay, Lynch, McFarland, Moore, Schmit, Wesely, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2414, line 33 strike "offered" and insert "reoffered".
The Journal for the Eighty-Fourth Day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 308. E & R amendments, AM7072, found in the Journal on page 2302 for the Eighty-Second Day, were adopted.

Mr. Warner renewed his pending amendment, AM1812, found in the Journal on page 2364.

The Warner amendment was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 309. E & R amendment, AM7075, found in the Journal on page 2311 for the Eighty-Second Day, was adopted.

Mr. Hall moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1875 to LB 309.

The Hall motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

Mr. Hall renewed his pending amendment, AM1875, found in the Journal on page 2412.

The Hall amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Warner offered the following amendment:
FA272
1. Add the severability clause.

The Warner 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 309A. E & R amendments, AM7074, found in the Journal on page 2311 for the Eighty-Second Day, were adopted.

Mr. Warner renewed his pending amendment, AM1790, found in the Journal on page 2363.

The Warner amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Ms. Scofield offered the following amendment:

FA273
PURPOSE: To provide personal service limitation flexibility to the Board of Trustees of the Nebraska State Colleges with respect to the establishment of salary policies for the state college system for FY1989-90 and FY1990-91.
AMENDMENT:
On page 58 of the Standing Committee amendments, AM1395, in line 15, strike "Total" and insert "General Fund"; in line 17, strike "Total" and insert "General Fund"; in line 19, after the period, insert "If funds other than funds appropriated in this section are utilized for salary improvements in FY1989-90 and FY1990-91, personal service limitations for the state college system may be administratively increased to reflect utilization of such other funds."

Ms. Scofield offered the following amendment to the pending Scofield amendment:
FA274
After the last line of the amendment, insert the following: "Such other funds shall not be replaced with appropriations of General Funds in subsequent fiscal years."

The Scofield amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The pending Scofield amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. Messrs. Chizek and Hall offered the following amendment:
AM1891

1. Strike original section 3 and renumber the remaining sections accordingly.

2. On page 7, line 17, after "Fund" insert ", which fund is hereby created. The Department of Labor shall use the fund to provide job training activities. Such activities shall include employee assessment, preemployment training, on-the-job training, training equipment costs, and enhancement of training of the existing labor force as necessary to adopt to new technology or the introduction of new product lines. Activities pursuant to this section may also include

assistance or reimbursement to other state agencies for job training costs related to helping industry and business locate or expand in Nebraska upon request and subject to approval by the Commissioner of Labor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276".

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.

Mr. Chizek moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Mr. Chizek requested a roll call vote on the Chizek-Hall amendment.

Voting in the affirmative, 19:

Chambers	Haberman	Landis	Robak	Weihing
Chizek	Hall	Lindsay	Schellpeper	Wesely
Coordsen	Hartnett	Morrissey	Schimek	Withem
Dierks	Korshoj	Nelson	Schmit	

Voting in the negative, 14:

Beyer	Elmer	Hefner	Langford	Warner
Byars	Goodrich	Johnson, L.	Moore	Wehrbein
Crosby	Hannibal	Lamb	Scofield	

Present and not voting, 6:

Ashford	Bernard-Stevens	Kristensen	Rogers	Smith
Baack				

Excused and not voting, 10:

Abboud	Beck	Johnson, R.	Lynch	Peterson
Barrett	Conway	Labedz	McFarland	Pirsch

The Chizek-Hall amendment lost with 19 ayes, 14 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 815. Mrs. Smith and Mr. Hall withdrew their pending amendment, AM1841, found in the Journal on page 2381.

Mrs. Smith renewed her pending amendment, AM1869, found in the Journal on page 2407.

Mr. Warner 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.

Mrs. Smith moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1869 to LB 815.

The Smith motion to suspend the rules prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

The Smith amendment, AM1869, found in the Journal on page 2407, was considered.

The Smith amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 816. Mr. Landis renewed his pending amendment, AM1792, found in the Journal on page 2296.

Mr. Warner requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

Mr. Landis moved to suspend the rules, Rule 7 §3(d) to permit reconsideration of AM1792 to LB 816.

The Landis motion to suspend the rules lost with 13 ayes, 9 nays, 18 present and not voting, and 9 excused and not voting.

Mr. Haberman renewed his pending amendment, AM1562, found in the Journal on page 2331.

Mr. Haberman withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 816A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 814 in the Journal. No objections. So ordered.

FA275
Page 12, strike sections 19 and 20

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 310, 469, 727, and 761.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 469

The following changes, required to be reported for publication in the Journal, have been made:
ER6203
1. On page 1, line 1, "Contribution Fund" has been struck and "Department of Administrative Services" inserted.
2. On page 2, lines 11 and 12, "such fund" has been struck and shown as stricken and "the Contribution Fund" inserted.
3. On page 3, line 24, "fund" has been struck and "Accounting Division Cash Fund" inserted.

Enrollment and Review Change to LB 727

The following changes, required to be reported for publication in the Journal, have been made:
ER6204
1. On page 3, line 11, "fund" has been struck and shown as stricken and "Municipal Natural Gas Regulation Revolving Loan Fund" inserted.

Enrollment and Review Changes to LB 761

The following changes, required to be reported for publication in the Journal, have been made:
ER6200

1. In the Scofield amendment, AM1595, on page 1, line 10, the comma has been struck; and in line 13 "section" has been struck.

2. In the E & R amendment, AM7064

a. On page 9, line 4, the second comma has been struck and show as stricken; and in line 10 "radioactive" has been inserted before "waste"; and

b. On page 22, line 24, "immunity from liability and" has been inserted after "provide".

3. On page 1, line 2, "81-1591," has been inserted after the first comma.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 525. E & R amendments, AM7077, found in the Journal on page 2319 for the Eighty-Third Day, were adopted.

Mr. Warner asked unanimous consent to replace his pending amendment, FA256, found in the Journal on page 2287, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his pending amendment, FA256, found in the Journal on page 2287.

Mr. Warner renewed his substitute amendment, AM1862, found in the Journal on page 2416.

Mr. Moore moved to bracket LB 525 until Friday, May 19, 1989.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Moore motion to bracket lost with 10 ayes, 21 nays, 12 present and not voting, and 6 excused and not voting.

The pending Warner amendment, AM1862, was renewed.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford	Elmer	Landis	Schimek	Warner
Barrett	Hannibal	Langford	Schmit	Wehrbein
Coordsen	Johnson, L.	Moore	Scofield	Wesely
Crosby	Kristensen	Pirsch	Smith	

Voting in the negative, 27:

Abboud	Byars	Haberman	Lindsay	Robak
Baack	Chambers	Hall	McFarland	Rogers
Beck	Chizek	Hartnett	Morrissey	Schellpeper
Bernard-Stevens	Conway	Hefner	Nelson	Weihing
Beyer	Dierks	Korshoj	Peterson	Withem
	Goodrich	Lamb		

Excused and not voting, 3:

Johnson, R.	Labedz	Lynch

The Warner amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the

appointments to the Boiler Safety Code Advisory Board be confirmed by the Legislature and suggests a record vote.

JoAnne Rohr
Neil E. Avery

Vote: Aye: Senators Coordsen, Korshoj, Morrissey and Pirsch. Absent: Senators Chambers, Hefner and Lindsay.

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM1852

1. Strike section 3 and insert the following new sections:

"Sec. 3. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. (1) Each county, under commissioner organization, having not more than three hundred thousand inhabitants, shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150, which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five, except that a county having more than three hundred thousand inhabitants shall be divided into seven districts if a majority of the registered voters in the county so vote in an election held pursuant to section 4 of this act. Such districts shall be numbered respectively one, two, three, four, five, six, and seven.

(2) ~~Such districts~~ Districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county. District boundary lines shall not be ~~and not~~ subject to alteration more often than once in four

years.

(3) One commissioner shall be nominated and elected ~~by each of said districts,~~ from each district but shall be elected by the ~~qualified electors~~ registered voters of the entire county in counties having a population ~~in excess of~~ of more than one hundred thousand. In counties having more than three hundred thousand inhabitants which vote to nominate and elect commissioners by district pursuant to section 4 of this act, the commissioner from any district shall be nominated and elected by the registered voters from his or her district.

(4)(a) In counties having more than three hundred thousand inhabitants which vote to expand to seven commissioners pursuant to section 4 of this act, the establishment of district boundary lines pursuant to this section shall be completed as soon as practicable after such election.

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board of commissioners. If the county board fails to do so, it shall be subject to (i) suit by the county attorney for the purpose of ordering the establishment or alteration of boundary lines, (ii) removal from office for failure to comply with an order to establish or alter boundary lines within six months of receipt of such order, and (iii) suit by any citizen for the purpose of ordering the establishment or alteration of boundary lines. The county board shall be obligated to pay any costs and attorney's fees involved in any such action.

(5) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(6)(a) In counties having more than three hundred thousand inhabitants which do not hold an election pursuant to section 4 of this act, and in counties where a majority have voted for five commissioners, ~~(1)~~ (a) counties which elect ~~members of the board~~ commissioners on an at-large basis shall continue to appoint and elect additional ~~members~~ commissioners at large~~,~~ and ~~(2)~~ (b) in counties which elect by district, it shall be the duty of the county board of such county, at ~~their~~ its first meeting after

the publication of the state or federal census~~,~~ or after an election deciding to have five, to divide ~~said~~ such county into five commissioner districts~~,~~ as provided by law.

~~The~~ (b) In counties where a majority have voted for five commissioners, the three commissioners of such county whose terms of office will expire after ~~said~~ such election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed~~,~~ pursuant to section 32-1040~~,~~ to serve until the first Thursday after the first Tuesday in January following the next general election. At such next general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings ~~will~~ shall be accepted for ~~a term~~ terms of two years and for ~~a term~~ terms of four years so that two ~~members~~ commissioners will be elected to four-year terms at one election and three ~~members~~ commissioners will be elected to four-year terms at the next election.

(c) Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. ~~After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section.~~ Nothing in this section shall be construed to prohibit the reelection of ~~commissioners~~ a commissioner currently holding office ~~as long as~~ if such commissioner is reelected to represent his or her respective district.

Sec. 4. At the general election held in 1990, the voters in any county having a population of more than three hundred thousand inhabitants shall be permitted to vote on the question of whether the county board of commissioners shall be expanded from five members to seven members who shall be nominated and elected by the qualified electors of his or her

respective district.

The election commission of such county shall give notice of the submission of such question in the general notice of the election, and the question shall be printed upon the regular ballots cast for officers voted for at such election and shall be counted and canvassed in the same manner. The form of the ballot shall be:

Shall the county board of commissioners be expanded from five members to seven members who shall be nominated and elected by district? Yes No

The question shall be successful if a majority of the votes cast at the election are in favor of the question.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 525. Mr. Landis renewed his pending amendment, FA257, found in the Journal on page 2287.

Messrs. Peterson and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Landis 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 Landis amendment.

Voting in the affirmative, 25:

Abboud	Byars	Elmer	Lindsay	Robak
Baack	Conway	Haberman	McFarland	Schellpeper
Beck	Coordsen	Hefner	Morrissey	Schimek
Bernard-Stevens	Crosby	Kristensen	Nelson	Smith
Beyer	Dierks	Landis	Pirsch	Withem

Voting in the negative, 18:

Ashford	Hannibal	Lamb	Schmit	Wehrbein
Chambers	Hartnett	Langford	Scofield	Weihing
Chizek	Johnson, L.	Moore	Warner	Wesely
Hall	Korshoj	Rogers		

Present and not voting, 1:

Goodrich

Excused and not voting, 5:

Barrett	Johnson, R.	Labedz	Lynch	Peterson

The Landis amendment was adopted with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen offered the following amendment:
AM1894

1. Insert the following new section:

"Sec. 6. There is hereby appropriated $18,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, to the School Foundation and Equalization Fund, for state aid to education. The School Foundation and Equalization Fund is hereby appropriated for such purpose. Of such appropriations not more than seventy-two percent thereof may be used for funding the provisions of section 79-1334 for the period, and the remaining amount shall be used to fund the provisions of sections 79-1339 and 79-1340 for the period.".

2. Renumber the remaining section accordingly.

Mr. Warner offered the following amendment to the pending Kristensen amendment:
FA276

On page 1, line 4, after "1990," insert "and $18,000,000 from the General Fund for the period July 1, 1990, to June 30, 1991."

MR. LAMB PRESIDING

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 Warner amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Warner requested a record vote on the Kristensen amendment, as amended.

Voting in the affirmative, 31:

Baack	Chizek	Hartnett	Langford	Schellpeper
Barrett	Conway	Hefner	Lynch	Schimek
Beck	Coordsen	Johnson, L.	Morrissey	Schmit
Bernard-Stevens	Crosby	Korshoj	Nelson	Smith
	Dierks	Kristensen	Robak	Weihing
Beyer	Elmer	Lamb	Rogers	Withem
Chambers	Goodrich			

Voting in the negative, 15:

Abboud	Hall	Landis	Moore	Warner
Byars	Hannibal	Lindsay	Pirsch	Wehrbein
Haberman	Johnson, R.	McFarland	Scofield	Wesely

Present and not voting, 1:

Peterson

Excused and not voting, 2:

Ashford Labedz

The Kristensen amendment, as amended, was adopted with 31 ayes, 15 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM1734

(Amendments to the Final Reading copy)

1. Insert the following new sections:

"Sec. 2. The purpose of sections 2 to 7 of this act is to provide a statewide dual-party relay system for hearing-impaired or speech-impaired persons in Nebraska to enable such persons to communicate fully with others using conventional telephone systems twenty-four hours a day, seven days a week.

Sec. 3. For purposes of sections 2 to 7 of this act:

(1) Commission shall mean the Public Service Commission;

(2) Dual-party relay system shall mean a service that permits full and simultaneous communication between hearing-impaired or speech-impaired persons using specialized telecommunications equipment and others using conventional telephone equipment;

(3) Fund shall mean the Nebraska Telephone Relay System Fund; and

(4) Specialized telecommunications equipment shall mean any telecommunications device which enables hearing-impaired or speech-impaired persons to communicate using conventional telephone systems. Specialized telecommunications equipment shall include, but shall not be limited to, telecommunications devices for the deaf, signaling devices, and electronic artificial larynx devices.

Sec. 4. There is hereby created the Nebraska Telephone Relay System Fund. The fund shall be used to provide a statewide dual-party relay system. Any money in the fund available for investment shall be invested by the state investment officer pursuant to section 72-1237 to 72-1276.

Sec. 5. Beginning October 1, 1989, each telephone company in Nebraska shall collect a surcharge not to exceed ten cents per month on each telephone

access line in Nebraska. The surcharge shall only be collected on the first one hundred telephone access lines per customer. The proceeds from the surcharge shall be credited to the fund. The telephone companies shall add the surcharge to each customer's local telephone bill and shall identify the surcharge separately on the bill. The telephone companies shall not be liable for any surcharge not paid by a customer and shall not be obligated to take legal action to collect the surcharge. Before September 1, 1989, and before September 1 each year thereafter, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the purposes of sections 2 to 7 of this act. After the hearing the commission shall set the surcharge at the level necessary to fund the statewide dual-party relay system for the following year plus a reasonable reserve. The surcharge shall be effective on October 1, 1989, and any changes in the rate shall become effective on October 1 following the change. In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

Sec. 6. The commission shall establish standards, procedures, and training specifications for the dual-party relay system and shall supervise the operation of the dual-party relay system to provide at least the following services to all hearing-impaired or speech-impaired persons living in Nebraska who possess specialized telecommunication equipment: (1) Statewide in-state calls with charges for long distance calls billed to the caller in a manner which the commission determines will recover the cost of long distance calls to the system; (2) out-of-state calls with charges billed to the caller; and (3) emergency calls using specialized telecommunications equipment. Callers using the system shall not be charged for access to the system other than the charges billed for in-state and out-of-state long distance service.

Sec. 7. The commission shall administer sections 2 to 7 of this act with the advice of a special committee appointed by the Commission for the Hearing Impaired. The special committee shall consist of seven members as follows: Two members shall be

hearing-impaired persons, one of whom is deaf; one member shall be a speech-impaired person; one member shall represent the commission; one member shall represent the telephone industry; one member shall represent the Commission for the Hearing Impaired; and one member shall represent the public. The commission shall adopt and promulgate rules and regulations necessary for implementation of sections 2 to 7 of this act. The commission may enter into contracts with other agencies or private organizations to operate the statewide dual-party relay system.

Sec. 8. There is hereby appropriated (1) $209,699 from the Nebraska Telephone Relay System Fund for the period July 1, 1989, to June 30, 1990, and (2) $252,840 from the Nebraska Telephone Relay System Fund for the period July 1, 1990, to June 30, 1991, to the Public Service Commission, for Program 064, to aid in carrying out the provisions of sections 2 to 7 of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $24,750 for the period July 1, 1989, to June 30, 1990, or $34,650 for the period July 1, 1990, to June 30, 1991.

Sec. 9. The General Fund appropriation for FY1989-90 to the Commission for the Hearing Impaired, Program 578, is hereby reduced by $7,500. The General Fund appropriation for FY1990-91 to the Commission for the Hearing Impaired, Program 578, is hereby reduced by $15,000.".

2. On page 1, line 1, strike "revenue and taxation" and insert "telecommunications"; and in line 4 after "receipts" insert "for purposes of the sales and use tax; to provide for the creation of a statewide telephone communication system for hearing-impaired and speech-impaired persons; to define terms; to create a fund; to provide a surcharge; to provide powers and duties for the Public Service Commission; to provide for a special committee; to appropriate funds; to adjust an appropriation as prescribed".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 19 third and fourth grade students and teacher from West Point; 51 fourth grade students and teachers from Gates Elementary School, Grand Island; 45 fifth and sixth grade students and teachers from Kenwood School, Kearney; 15 fourth grade students and teacher from Chapman Elementary School, Chapman; and 18 fourth grade students and teacher from Raymond Central, Ceresco.

RECESS

At 11:47 a.m., on a motion by Mr. Barrett, 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 Mmes. Beck, Labedz, Messrs. Haberman, Hall, Lynch, Schmit, and Withem who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 813 and 814.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 813

The following changes, required to be reported for publication in the Journal, have been made:
ER6202

1. In the Landis-Scofield amendment, AM1787, on page 1, line 8, "from the General Fund" has been inserted after "$300,000".

2. On page 63, line 17, "31,760,028" and all amendments thereto have been struck and "32,643,656" inserted; and in line 20 "43,499,929" has been struck and "44,668,427" inserted.

3. On page 76, line 1 and all amendments thereto have been struck and"GENERAL FUND 77,004,963 79,562,540" inserted; and line 4 and all amendments thereto have been struck and"AGENCY TOTAL 121,020,658 122,894,728" inserted.

4. On page 86, line 17 and all amendments thereto have been struck and"GENERAL FUND 197,772,136 212,486,808" inserted; and line 20 and all amendments thereto have been struck and"AGENCY TOTAL 494,417,073 534,487,557" inserted.

5. On page 113, line 25, both occurrences of "136,575" and all amendments thereto have been struck and "538,215" inserted.

6. On page 114, line 2, both occurrences of "657,928" and all amendments thereto have been struck and "1,059,568" inserted.

7. On page 115, line 18, "1,054,641 1,058,490" and all amendments thereto have been struck and "1,456,281 1,460,130" inserted; and in line 21 "1,784,194 1,760,043" and all amendments thereto have been struck and "2,185,834 2,161,683" inserted.

8. On page 124, line 18, "7,403,622 7,411,278" and all amendments thereto have been struck and "7,402,582 7,410,238" inserted; and in line 22 "13,495,815 13,685,822" and all amendments thereto have been struck and "13,494,775 13,684,782" inserted.

9. On page 180, line 9, "$27,112,056" has been struck and "$26,999,702" inserted; and in line 12 "$32,260,171" has been struck and "$32,147,817" inserted.

10. On page 205, line 14, "Political" has been struck; and in line 15 "Commission" has been inserted after "Disclosure".

Enrollment and Review Changes to LB 814

The following changes, required to be reported for publication in the Journal, have been made:
ER6207

1. In the Warner amendment, AM1789, on page 1, line 9, a comma has been inserted after "act".

2. In the Bernard-Stevens amendment, AM1577, on page 1, line 2, "Program 954." has been inserted before "The".

3. In the Schmit amendment, AM1663, on page 1, line 6, "Sec. 43. Program 953." has been inserted before "The".

4. On page 1, line 4, "to provide for a study of prison population issues; to provide funding for project grants; to provide for negotiations for the acquisition of certain land;" has been inserted after the semicolon.

5. Sections have been renumbered and internal references have been corrected accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Suspend Rules

Mr. Barrett renewed his pending motion, found in the Journal on page 2423, to suspend the rules, Rule 6, Section 7(b), and Rule 8, Section 5, to permit consideration on final reading of bills having a fiscal impact of less than one million dollars for either the 1989-90 or 1990-91 fiscal year prior to passage of the appropriation bills.

The Barrett motion to suspend the rules prevailed with 32 ayes, 0 nays, 10 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 44.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1002 to 29-1004 and 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of certain costs by the state when a person is determined to be mentally incompetent to stand trial; 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, 27:

Abboud	Chizek	Haberman	Landis	Morrissey
Baack	Conway	Hartnett	Lindsay	Peterson
Bernard-Stevens	Coordsen	Hefner	Lynch	Robak
Byars	Crosby	Johnson, L.	McFarland	Schellpeper
Chambers	Elmer	Johnson, R.	Moore	Weihing
	Goodrich	Kristensen		

Voting in the negative, 14:

Ashford	Dierks	Langford	Scofield	Wehrbein
Barrett	Hannibal	Nelson	Smith	Wesely
Beyer	Lamb	Pirsch	Warner	

Present and not voting, 3:

Korshoj	Rogers	Schimek

Excused and not voting, 5:

Beck	Hall	Labedz	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 44A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, Ninety-first Legislature, First Session, 1989.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Abboud	Coordsen	Hefner	Lindsay	Robak
Baack	Crosby	Johnson, L.	Lynch	Schellpeper
Bernard-Stevens	Dierks	Johnson, R.	McFarland	Schimek
	Elmer	Kristensen	Moore	Weihing
Chambers	Goodrich	Landis	Morrissey	Withem
Conway	Hartnett			

Voting in the negative, 14:

Ashford	Haberman	Langford	Pirsch	Warner
Barrett	Korshoj	Nelson	Scofield	Wesely
Beyer	Lamb	Peterson	Smith	

Present and not voting, 5:

Byars	Chizek	Hannibal	Rogers	Wehrbein

Excused and not voting, 4:

Beck	Hall	Labedz	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to noxious weeds; to amend sections 2-946.02, 2-952, 2-953, 2-955, 2-956, 2-957, 2-958, 2-961, 2-962, 2-963, and 2-2603, Reissue Revised Statutes of Nebraska, 1943, and section 2-954, Revised Statutes Supplement, 1988; to name an act; to state intent; to authorize the Director of Agriculture to administer the noxious weed control program as prescribed; to redefine terms; to change provisions relating to powers and duties of cities, villages, and control authorities as prescribed; to provide powers and duties for the director; to create a fund; to establish an advisory committee; to change and provide for distribution of fees; to provide for enforcement; to provide a penalty; 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, 42:

Abboud	Chambers	Hefner	McFarland	Schellpeper
Ashford	Conway	Johnson, L.	Moore	Schimek
Baack	Coordsen	Johnson, R.	Morrissey	Scofield
Barrett	Crosby	Korshoj	Nelson	Smith
Beck	Dierks	Kristensen	Peterson	Wehrbein
Bernard-Stevens	Elmer	Lamb	Pirsch	Wèihing
	Goodrich	Landis	Robak	Wesely
Beyer	Haberman	Langford	Rogers	Withem
Byars	Hartnett	Lindsay		

Voting in the negative, 2:

Hannibal	Warner

Present and not voting, 1:

Chizek

Excused and not voting, 4:

Hall	Labedz	Lynch	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 49A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 49, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Lindsay	Schellpeper
Ashford	Coordsen	Hefner	McFarland	Schimek
Baack	Crosby	Johnson, L.	Moore	Scofield
Barrett	Dierks	Johnson, R.	Morrissey	Smith
Bernard-Stevens	Elmer	Korshoj	Nelson	Wehrbein
	Goodrich	Kristensen	Peterson	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Chambers				

Voting in the negative, 5:

Beck	Hannibal	Langford	Pirsch	Warner

Present and not voting, 1:

Chizek

Excused and not voting, 3:

Labedz Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 134. With Emergency.

A BILL FOR AN ACT relating to mathematics; to state intent concerning the Junior Mathematics Prognosis Examination; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Conway	Hefner	McFarland	Schimek
Ashford	Coordsen	Johnson, L.	Moore	Scofield
Baack	Crosby	Johnson, R.	Morrissey	Smith
Barrett	Dierks	Kristensen	Nelson	Warner
Bernard-Stevens	Elmer	Lamb	Peterson	Wehrbein
	Goodrich	Landis	Robak	Weihing
Beyer	Haberman	Langford	Rogers	Wesely
Byars	Hall	Lindsay	Schellpeper	Withem
Chambers	Hannibal			

Voting in the negative, 2:

Beck Pirsch

Present and not voting, 3:

Chizek Hartnett Korshoj

Excused and not voting, 3:

Labedz 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.

LEGISLATIVE BILL 158.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to personalized prestige license plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Haberman	Lamb	Robak
Ashford	Chizek	Hall	Langford	Rogers
Baack	Conway	Hannibal	McFarland	Schellpeper
Barrett	Coordsen	Hefner	Moore	Scofield
Beck	Dierks	Johnson, L.	Nelson	Smith
Beyer	Elmer	Korshoj	Peterson	Wehrbein
Byars	Goodrich	Kristensen	Pirsch	Wesely

Voting in the negative, 10:

Bernard-Stevens	Hartnett	Landis	Morrissey	Warner
Crosby	Johnson, R.	Lindsay	Schimek	Weihing

Present and not voting, 1:

Withem

Excused and not voting, 3:

Labedz	Lynch	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Nelson and Mr. Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 158A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Beyer	Haberman	Lamb	Schellpeper
Ashford	Byars	Hall	McFarland	Scofield
Baack	Conway	Hannibal	Moore	Smith
Barrett	Coordsen	Hefner	Peterson	Wehrbein
Beck	Dierks	Johnson, L.	Pirsch	Wesely
Bernard-Stevens	Elmer	Korshoj	Robak	Withem
	Goodrich	Kristensen	Rogers	

Voting in the negative, 9:

Crosby	Johnson, R.	Langford	Morrissey	Weihing
Hartnett	Landis	Lindsay	Warner	

Present and not voting, 2:

Chambers Schimek

Excused and not voting, 5:

Chizek	Labedz	Lynch	Nelson	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 162.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statutes of Nebraska, 1943; to provide for funding of the state's animal damage control program; to state intent; and to repeal the original section.

Whereupon the 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	Byars	Hall	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, R.	McFarland	Wehrbein
Beck	Dierks	Korshoj	Morrissey	Weihing
Bernard-Stevens	Elmer	Kristensen	Peterson	Wesely
Beyer	Goodrich	Lamb	Robak	Withem
	Haberman	Landis		

Voting in the negative, 10:

Barrett	Hannibal	Johnson, L.	Moore	Smith
Chambers	Hartnett	Langford	Pirsch	Warner

Present and not voting, 3:

Crosby	Schimek	Scofield

Excused and not voting, 4:

Chizek	Labedz	Nelson	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 162A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 162, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Bernard-Stevens	Coordsen	Hall	Lamb
Ashford	Beyer	Dierks	Hefner	Landis
Baack	Byars	Elmer	Johnson, R.	Lindsay
Beck	Conway	Goodrich	Korshoj	Lynch
		Haberman	Kristensen	McFarland

Morrissey	Rogers	Schimek	Wehrbein	Wesely
Robak	Schellpeper	Smith	Weihing	Withem

Voting in the negative, 9:

Barrett	Hannibal	Johnson, L.	Moore	Warner
Chambers	Hartnett	Langford	Pirsch	

Present and not voting, 3:

Crosby	Peterson	Scofield

Excused and not voting, 4:

Chizek	Labedz	Nelson	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 175.

A BILL FOR AN ACT relating to labor; to amend sections 48-1116 and 48-1118, Reissue Revised Statutes of Nebraska, 1943; to increase compensation of members of the Equal Opportunity Commission as prescribed; to change a provision relating to the investigation of unlawful practices; and to repeal the original sections.

Whereupon the 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	Landis	Schimek
Ashford	Conway	Hall	Lindsay	Scofield
Baack	Coordsen	Hannibal	Lynch	Warner
Barrett	Crosby	Hartnett	McFarland	Wehrbein
Bernard-Stevens	Dierks	Johnson, R.	Morrissey	Weihing
Beyer	Elmer	Korshoj	Robak	Wesely
Byars	Goodrich	Kristensen	Schellpeper	Withem

Voting in the negative, 7:

Beck	Johnson, L.	Langford	Pirsch	Smith
Hefner	Lamb			

Present and not voting, 3:

Moore	Peterson	Rogers

Excused and not voting, 4:

Chizek	Labedz	Nelson	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 175A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 175, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Hall	Lamb	Schimek
Ashford	Conway	Hannibal	Landis	Scofield
Baack	Coordsen	Hartnett	Lindsay	Warner
Barrett	Crosby	Hefner	Lynch	Wehrbein
Bernard-Stevens	Dierks	Johnson, L.	McFarland	Weihing
	Elmer	Johnson, R.	Morrissey	Wesely
Beyer	Goodrich	Korshoj	Robak	Withem
Byars	Haberman	Kristensen	Schellpeper	

Voting in the negative, 1:

Beck

Present and not voting, 6:

Langford	Peterson	Pirsch	Rogers	Smith
Moore				

Excused and not voting, 4:

Chizek Labedz Nelson Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 182.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-245, 43-284, 43-284.01, 43-285 to 43-287, 43-289, 43-290, 43-2,106, 43-2,126, and 43-2,129, Reissue Revised Statutes of Nebraska, 1943, and sections 24-313 and 24-541.01, Revised Statutes Supplement, 1988; to state intent; to provide an expedited review procedure for certain juvenile cases as prescribed; to include certain entities in the persons authorized to appeal certain proceedings; to define a term; to change provisions relating to reports on juveniles; to change provisions relating to the authority of the Department of Social Services over juveniles committed to the department; to require the department to pay certain costs; 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	Coordsen	Hefner	Lynch	Schimek
Ashford	Crosby	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morrissey	Smith
Beck	Goodrich	Kristensen	Peterson	Warner
Bernard-Stevens	Haberman	Lamb	Pirsch	Wehrbein
	Hall	Landis	Robak	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Byars	Hartnett	Lindsay	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Chizek Labedz Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 182A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 182, Ninety-first Legislature, First Session, 1989; and to provide a duty for the Department of Social Services.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hefner	Lynch	Schimek
Ashford	Crosby	Johnson, L.	McFarland	Schmit
Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morrissey	Smith
Beck	Goodrich	Kristensen	Peterson	Warner
Bernard-Stevens	Haberman	Lamb	Pirsch	Wehrbein
	Hall	Landis	Robak	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Byars	Hartnett	Lindsay	Schellpeper	Withem
Conway				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Chizek Labedz Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 198 to Select File

Messrs. Hall and Lindsay moved to return LB 198 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1900.)

Mrs. Langford 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-Lindsay motion to return prevailed with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 198. The Hall-Lindsay specific amendment, AM1900, referred to in this day's Journal, was considered.

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.

The Hall-Lindsay specific amendment was adopted with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Chizek and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Re-Engrossment with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

MOTION - Return LB 198 to Select File

Mr. Warner moved to return LB 198 to Select File for the following specific amendment:
FA277
to amend LB 198 to exempt all ticket admission sales tax for organization covered by the Lindsay amendment to LB 198

Messrs. R. Johnson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on the Warner motion to return.

Voting in the affirmative, 20:

Barrett	Conway	Korshoj	Lynch	Smith
Bernard-Stevens	Coordsen	Kristensen	Moore	Warner
Byars	Crosby	Labedz	Schimek	Wehrbein
Chambers	Haberman	Lamb	Scofield	Wesely

Voting in the negative, 20:

Abboud	Chizek	Hall	Johnson, L.	Pirsch
Ashford	Dierks	Hannibal	Landis	Schellpeper
Beck	Elmer	Hartnett	Lindsay	Weihing
Beyer	Goodrich	Hefner	Morrissey	Withem

Present and not voting, 7:

Baack	McFarland	Peterson	Robak	Rogers
Langford	Nelson			

Excused and not voting, 2:

Johnson, R. Schmit

The Warner motion to return lost with 20 ayes, 20 nays, 7 present and not voting, and 2 excused and not voting.

Mrs. Smith moved to return LB 198 to Select File for the following specific amendment:
FA278
Strike the Lindsay-Hall, AM1900, to LB 198.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Smith motion to return prevailed with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198. The Smith specific amendment, FA278, found in this day's Journal, was adopted with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

Readvanced to Final Reading.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1988; to grant a sales tax exemption to the State Board of Agriculture; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hefner	Lynch	Schmit
Ashford	Crosby	Johnson, L.	McFarland	Scofield
Baack	Dierks	Johnson, R.	Moore	Smith
Barrett	Elmer	Korshoj	Morrissey	Warner
Beck	Goodrich	Kristensen	Nelson	Wehrbein
Beyer	Haberman	Labedz	Peterson	Weihing
Byars	Hall	Lamb	Rogers	Wesely
Chizek	Hannibal	Langford	Schellpeper	Withem
Conway	Hartnett	Lindsay		

Voting in the negative, 4:

Bernard-Stevens	Chambers	Landis	Schimek

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 228.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Chizek	Hartnett	Lindsay	Schimek
Ashford	Conway	Hefner	Lynch	Schmit
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Crosby	Johnson, R.	Moore	Smith
Beck	Dierks	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Kristensen	Nelson	Wehrbein
Beyer	Goodrich	Labedz	Peterson	Weihing
Byars	Haberman	Lamb	Rogers	Wesely
Chambers	Hall	Landis	Schellpeper	Withem
	Hannibal	Langford		

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 228A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Kristensen	Nelson	Wehrbein
Beyer	Goodrich	Labedz	Peterson	Weihing
Byars	Haberman	Lamb	Pirsch	Wesely
Chambers	Hall	Landis	Rogers	Withem

Voting in the negative, 1:

Langford

Present and not voting, 2:

Hannibal Smith

Excused and not voting, 1:

Robak

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: 44, 44A, 49, 49A, 134, 158, 158A, 162, 162A, 175, 175A, 182, 182A, 198, 228, and 228A.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

David L. Timperley, D.C. - State Board of Health
Patricia A. McQuillan - State Board of Health
Edward J. Schlachter - State Board of Health
Robert D. Harry, M.D. - Rural Health Manpower Commission
Kathy Campbell - Nebraska Child Abuse Prevention Fund Board
Nancy A. Nielsen - Nebraska Child Abuse Prevention Fund Board
Shirley J. Howell - Advisory Committee to the Departments of Social Services, Public Institutions and Corrections
Linda Perlman - Advisory Committee to the Departments of Social Services, Public Institutions and Corrections

VOTE: Aye: Senators Byars, Crosby, Dierks, Goodrich, Schellpeper, Wesely. Absent: Senator Lynch.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 305, 815, 816, and 816A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 815

The following changes, required to be reported for publication in the Journal, have been made:
ER6206
1. On page 1, the matter beginning with "the" in line 1 through "Act" in line 2 has been struck and "state government" inserted; and in line 6 "a fund" has been struck and "and authorize funds" inserted.

Enrollment and Review Change to LB 816

The following changes, required to be reported for publication in the Journal, have been made:

ER6208

1. On page 1, line 1, "heating oil" has been struck.

2. On page 2, line 18, "to the fund" has been inserted after "appropriated".

3. On page 5, line 7, "(6)" has been inserted before "The" and the comma has been struck and shown as stricken; in line 8 the underscored comma has been struck; and in line 12 "to the fund" has been inserted after "appropriated".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 137A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, and 21 present and not voting.

LEGISLATIVE BILL 744A. Title read. Considered.

Mr. Haberman moved to indefinitely postpone LB 744A.

The Haberman motion to indefinitely postpone prevailed with 13 ayes, 6 nays, and 30 present and not voting.

LEGISLATIVE BILL 761A. Title read. Considered.

SPEAKER BARRETT PRESIDING

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.

Advanced to E & R for Review with 25 ayes, 0 nays, and 24 present and not voting.

LEGISLATIVE BILL 762A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, and 23 present and not voting.

LEGISLATIVE BILL 817A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, and 22 present and not voting.

LEGISLATIVE BILL 815A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, and 22 present and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

AM1901

(Amendments to Final Reading copy)

1. On page 28, line 11, after the period insert: "It is the intent of the Legislature that tuition rates per credit hour for the University of Nebraska at Kearney shall be no less than ninety percent of the tuition rates per credit hour at the University of Nebraska-Lincoln by 1993.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 217. Introduced by Schmit, 23rd District; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District; R. Johnson, 34th District; Smith, 33rd District; Beck, 8th District.

WHEREAS, on December 23, 1988, new federal rules for underground storage tanks were implemented by the United States Environmental Protection Agency; and

WHEREAS, such rules include additional requirements for owners of such tanks regarding leak detection, corrosion protection, tank closure, reporting and record keeping, and financial responsibility; and

WHEREAS, such requirements impose significant financial burdens on owners and operators of such tanks; and

WHEREAS, many of those owners and operators are located in predominantly rural areas of the state and nation; and

WHEREAS, such operations are important economic cornerstones of most rural communities; and

WHEREAS, the additional financial burdens imposed by such regulations will result in the immediate demise of such rural

operations, to the severe detriment to the economic and social fabric of such rural communities; and

WHEREAS, the inability of rural consumers, including rural businesses, farms, and ranches, to purchase fuel locally will result in higher costs, greater inconvenience, and higher consumption as such consumers are forced to travel greater distances to purchase such fuels.

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

1. That the United States Environmental Protection Agency and the United States Congress be strongly urged to review the recently implemented rules for underground storage tanks for the purpose of providing relief to hard-pressed rural communities and the owners and operators of such tanks located in rural areas that will suffer irreversible hardship due to the implementation and enforcement of such rules.

2. That a copy of this resolution be transmitted to the Director of the United States Environmental Protection Agency and the members of the Nebraska delegation in the United States House of Representatives and the United States Senate.

Laid over.

LEGISLATIVE RESOLUTION 218. Introduced by Scofield, 49th District; Byars, 30th District.

WHEREAS, the City of Alliance was fortunate to receive the benefits of the federal Works Progress Administration programs in the 1930's; and

WHEREAS, one of those benefits was a colorful and unique General Electric fountain with an entertaining water display and colored lights which provided countless hours of enjoyment to area citizens, visitors, and military personnel stationed at the former Alliance air base; and

WHEREAS, over the course of time, age began to take its toll on the fountain and piecemeal repairs were no longer possible requiring a considerable investment in order to restore the historic fountain; and

WHEREAS, in an impressive show of community spirit, five thousand citizens of Alliance and friends from around the country raised through Coins for the Fountain the necessary funds to renovate the fountain, cash in the form of quarters totaling more than

eighteen thousand five hundred dollars, laid side by side for more than ten city blocks through downtown Alliance; and

WHEREAS, the weekend of May 26 to 28, 1989, marks the observance of Fountain Fest during which Friday, May 26 will be observed as Beatrice-Alliance Day in a demonstration of east-west sharing, community spirit, and hope for the future.

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

1. That the 1989 Legislature congratulates the citizens of Alliance and Beatrice, home of Homestead Days and the cradle of the settlement of the Plains, on their spirit of cooperation and sense of community pride and wishes both cities the best in years to come as sister cities.

2. That copies of this resolution shall be sent to Alliance Mayor Eva Knight, the Alliance City Council, Beatrice Mayor Robert J. Sargent, Sr., and the Beatrice City Council.

Laid over.

MOTION - Reconsider Action on LB 525

Messrs. Lynch and Bernard-Stevens moved to reconsider the Kristensen amendment, AM1894, found in the Journal on page 2451, to LB 525.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

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. Lynch moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Lynch requested a roll call vote on the Lynch-Bernard-Stevens motion to reconsider.

Voting in the affirmative, 23:

Ashford	Byars	Hall	Landis	Moore
Baack	Chambers	Hannibal	Lindsay	Pirsch
Bernard-Stevens	Chizek	Johnson, R.	Lynch	Schimek
	Crosby	Labedz	McFarland	Scofield

Warner	Wehrbein	Wesely	Withem	

Voting in the negative, 25:

Abboud	Coordsen	Hefner	Langford	Rogers
Barrett	Dierks	Johnson, L.	Morrissey	Schellpeper
Beck	Elmer	Korshoj	Nelson	Schmit
Beyer	Goodrich	Kristensen	Peterson	Smith
Conway	Haberman	Lamb	Robak	Weihing

Present and not voting, 1:

Hartnett

The Lynch-Bernard-Stevens motion to reconsider lost with 23 ayes, 25 nays, and 1 present and not voting.

Messrs. Coordsen and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 525. Messrs. Withem and Bernard-Stevens offered the following amendment:
FA279
amend in LB 525 Kristensen amendment striking $18,000,000 and substituting $1,000,000 for each year of the bienium.

Mrs. Pirsch 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. Withem moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Withem requested a roll call vote on the Withem-Bernard-Stevens amendment.

Voting in the affirmative, 24:

Ashford	Beck	Bernard-Stevens	Byars	Chizek
Baack			Chambers	Conway

Hall	Landis	McFarland	Schimek	Wehrbein
Hannibal	Lindsay	Moore	Scofield	Wesely
Hartnett	Lynch	Pirsch	Warner	Withem
Johnson, R.				

Voting in the negative, 23:

Abboud	Elmer	Korshoj	Morrissey	Schellpeper
Barrett	Goodrich	Kristensen	Nelson	Schmit
Beyer	Haberman	Labedz	Peterson	Smith
Crosby	Hefner	Lamb	Robak	Weihing
Dierks	Johnson, L.	Langford		

Excused and not voting, 2:

Coordsen Rogers

The Withem-Bernard-Stevens amendment lost with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch, Ashford, McFarland, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved to bracket 525 until Monday 5-22-89.

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. Bernard-Stevens withdrew his pending motion to bracket.

Ms. Scofield moved to bracket LB 525 until Friday, May 19, 1989 at 1:30 p.m.

Mr. Conway 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 Scofield motion to bracket prevailed with 23 ayes, 5 nays, 16 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 137A. Placed on Select File.
LEGISLATIVE BILL 761A. Placed on Select File.
LEGISLATIVE BILL 762A. Placed on Select File.
LEGISLATIVE BILL 817A. Placed on Select File.

LEGISLATIVE BILL 815A. Placed on Select File as amended.
E & R amendment to LB 815A:
AM7083

1. On page 2, line 20, strike "carry" and insert "aid in carrying".

(Signed) John C. Lindsay, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 1989, at 4:40 p.m., were the following bills: 44, 44A, 49, 49A, 134, 158, 158A, 162, 162A, 175, 175A, 182, 182A, 198, 228, and 228A.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 211 in the Journal. No objections. So ordered.

FA280
To amend LB-211, on page 2, line 7, strike the original line 7, and insert the new language, "treason and murder, unless the"

Mr. Ashford asked unanimous consent to print the following amendment to LB 362 in the Journal. No objections. So ordered.

AM1785
(Amendments to Final Reading copy)

1. Insert the following new sections:
"Sec. 7. That section 68-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
68-717. The Department of Social Services shall assume the sole responsibility for all public

assistance, including aid to families with dependent children, emergency assistance, assistance to the aged, blind, or disabled, medically handicapped children's services, commodities, and food stamps. On and after July 1, 1986, the department shall also assume the sole responsibility for medical assistance.

Sec. 8. That section 68-1016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1016. The Director of Social Services shall provide for granting an opportunity for a fair hearing before the Department of Social Services to any individual whose claim for assistance to the aged, blind, or disabled, aid to dependent children, emergency assistance, medical assistance, commodities, or food stamps, is denied, is not granted in full, or is not acted upon with reasonable promptness. An appeal shall be taken by filing with the director a written notice of appeal setting forth the facts on which the appeal is based. The director shall thereupon, in writing, notify the appellant of the time and place for hearing, which hearing shall be not less than one week nor more than six weeks from the date of such notice. Hearings shall be before the director or his or her duly authorized agent. On the basis of evidence adduced, the director shall enter a final order on such appeal, which order shall be transmitted to the appellant.".

2. On page 1, line 1, strike "section" and insert "sections"; in line 2 after the first comma insert "68-717, and 68-1016,"; in line 10 after the semicolon insert "to require the Department of Social Services to have sole responsibility for emergency assistance;".

3. On page 19, line 24, strike "15" and insert "17".

4. On page 20, line 4, after "sections" insert "68-717 and 68-1016, Reissue Revised Statutes of Nebraska, 1943, and sections".

Mr. Weihing asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM1904

1. Insert the following new sections:

"Sec. 9. That section 77-2306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2306. (1) In lieu of a bond as provided in section 77-2305, any bank making application to become a depository under the provisions of sections 77-2301 to 77-2309 may deposit with the State Treasurer: (a) United States Government notes, certificates of indebtedness, or treasury bills of any issue; (b) obligations fully and unconditionally guaranteed both as to principal and interest by the United States or ~~United States Government bonds,~~ 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) bonds of any county, city, village, or school district of this state which have been issued and registered as required by law; (d) ; bonds of the State of Nebraska, of any state ~~whose bonds~~ the bonds of which are purchased by the Board of Educational Lands and Funds of this state for investment of the permanent school fund, or warrants of the State of Nebraska; or (e) registered warrants of any county, city, or school district of this state. ; ~~county bonds, municipal bonds or school district bonds of any county, city, village or school district in the State of Nebraska issued under the directions of and with the approval of the Director of Administrative Services.~~

(2) When the deposit to be secured is in an interest-bearing account, there may be deposited with the State Treasurer, in lieu of the bond as provided in section 77-2305, guaranty agreements of the Small Business Administration of the federal government.

Sec. 10. That original section 77-2306, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring in the original sections.

Mr. Lynch asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM1885

1. Insert the following new sections:

"Sec. 9. That section 77-2321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2321. The depository ~~bank~~ furnishing securities as set forth in section 77-2320 shall have the right at any time and without prior approval to substitute other ~~approved~~ securities of equal value in lieu of securities already deposited, except that such securities substituted shall ~~pledged if it so desires at any time; PROVIDED, in counties having a population of two hundred thousand inhabitants or more the county board may by resolution authorize the county treasurer to accept the substitution of other approved securities in lieu of securities already pledged and report such action at the next meeting of the county board. If the action of the treasurer in accepting such substitution shall not be approved by the board at such first meeting, then the bank shall be required to deposit securities satisfactory to the board, or the treasurer shall withdraw the deposit within three days. Such securities substituted must, however,~~ be those provided for in section 77-2320. ~~, and approved by the members of the county board, the total value of which in the case of bonds alone shall at all times equal ten percent more than the maximum amount of the deposit to which the bank is entitled~~ At all times the total value of the securities on deposit shall be in an amount equal to or greater than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, except that in the case of the deposit of municipal bonds alone, the total value shall equal ten percent more than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Following any substitution of securities pursuant to this section, the county treasurer shall report such substitution at the next meeting of the county board.

Sec. 10. That section 77-2326.01, Revised Statutes Supplement, 1988, be amended to read as

follows:

77-2326.01. ~~As used in~~ For purposes of sections ~~77-2326.01~~ 77-2313 to 77-2326.09, (1) ~~the term~~ county board shall include county commissioners or county supervisors, as the case may be, and (2) ~~the term~~ public money shall include all funds which come into the hands of clerks of the county court or clerks of the district court pursuant to any provision of law authorizing such officers to collect or receive the same.

Sec. 11. That section 77-2326.04, Revised Statutes Supplement, 1988, 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, has required of and received from such bank as security for the prompt repayment by the bank of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof a pledge of or grant of a security interest in:

(a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) 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) Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law; or

(d) 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, Uniform Commercial Code, shall not apply to any security interest arising under this section.

(3) The depository providing a pledge of or a grant of a security interest in securities as set forth in this section shall have the right at any time and without prior approval to substitute other securities of equal value in lieu of securities pledged or in which a security interest has been granted, except that such securities substituted shall be those provided for in this section. At all times the total value of the securities pledged or in which a security interest has been granted shall be in an amount equal to or greater than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Following any substitution of securities pursuant to this section, the appropriate county official shall report such substitution at the next meeting of the county board.

Sec. 12. That section 77-2326.08, Revised Statutes Supplement, 1988, 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 clerk of the county court or clerk of the district court 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 clerk of the district court on deposit in such depository. Each depository shall furnish directly to the county court a sworn monthly statement of the funds of the clerk of the county court on deposit in such depository.

Sec. 13. That section 77-2326.09, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2326.09. ~~Neither the clerks~~ The clerk of the county court, the clerk of the district court, ~~nor~~ their deputies or other employees, and ~~nor~~ their sureties shall not be liable for any loss resulting from the failure of any bank as to any such deposits made and maintained as provided in sections 77-2326.01 to 77-2326.09.

Sec. 14. That original section 77-2321, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2326.01, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1988, are repealed.".

2. Add underscoring to sections 1 to 8.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 308, 309, and 309A.

(Signed) John C. Lindsay, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the re-referral of legislative resolution 88.

LR	Committee
88	General Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Return LB 429 to Select File

Messrs. Moore and Lindsay moved to return LB 429 to Select File for the following specific amendment:
FA281
1. On page 16, line 17, strike "or" and show as stricken; in line 18 after "(8)" insert:
"Adding open heart surgery as an additional service, or"
2. On page 16, line 20, strike "(7)" and insert "(8)".

SPEAKER BARRETT PRESIDING

Mrs. Langford 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. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore requested a record vote on the motion to return.

Voting in the affirmative, 18:

Barrett	Hannibal	Lamb	Moore	Schmit
Byars	Hartnett	Landis	Pirsch	Warner
Chambers	Korshoj	Lindsay	Schimek	Wesely
Haberman	Kristensen	Lynch		

Voting in the negative, 22:

Baack	Chizek	Hall	Nelson	Scofield
Beck	Crosby	Hefner	Peterson	Smith
Bernard-Stevens	Dierks	Johnson, L.	Robak	Wehrbein
	Elmer	Labedz	Schellpeper	Weihing
Beyer	Goodrich	Langford		

Present and not voting, 4:

Abboud	Conway	Morrissey	Withem

Excused and not voting, 5:

Ashford Coordsen Johnson, R. McFarland Rogers

The Moore-Lindsay motion to return lost with 18 ayes, 22 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Wesely moved to return LB 429 to Select File for the following specific amendment:
FA282
strike the enacting clause.

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. Wesely withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 429.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5801 to 71-5804, 71-5805.01, 71-5810, 71-5813, 71-5821.01, 71-5828 to 71-5832, 71-5833, 71-5834 to 71-5836.01, 71-5837, 71-5838, 71-5840, 71-5843, 71-5844, 71-5845, 71-5846, 71-5848, 71-5851, 71-5859, 71-5865, 71-5867, 71-5868, 71-5870, 71-5872, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1637, 71-5842, 71-5866, and 81-651, Revised Statutes Supplement, 1988; to define and redefine terms; to change requirements for certificates of need as prescribed; to change provisions relating to application, review, and appeal procedures; to change a fee; to change and provide duties for the Certificate of Need Review Committee; to eliminate exemptions from certificate of need requirements; to eliminate provisions relating to health maintenance organizations; to eliminate the Certificate of Need Appeals Panel; to harmonize provisions; and to repeal the original sections, and also sections 71-5832.02, 71-5844.01, 71-5847, 71-5850, 71-5858, and 71-5860 to 71-5864, 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	Byars	Hall	Langford	Rogers
Ashford	Chizek	Hefner	McFarland	Schellpeper
Baack	Conway	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Wehrbein
Bernard-Stevens	Elmer	Kristensen	Peterson	Weihing
Beyer	Goodrich	Labedz	Robak	Withem
	Haberman	Lamb		

Voting in the negative, 10:

Chambers	Hartnett	Lindsay	Schimek	Warner
Hannibal	Landis	Pirsch	Schmit	Wesely

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Coordsen

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 429.

MOTION - Return LB 84 to Select File

Mr. Warner moved to return LB 84 to Select File for his specific amendment, AM1763, found in the Journal on page 2262.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

The Warner motion to return lost with 17 ayes, 28 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Schmit moved to return LB 84 to Select File for his specific amendment, AM1854, found in the Journal on page 2417.

Mr. Schmit withdrew his pending motion to return.

Mrs. Nelson moved to return LB 84 to Select File for her specific amendment, AM1872, found in the Journal on page 2419.

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.

The Nelson motion to return lost with 17 ayes, 23 nays, 8 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Messrs. Hall and Chizek moved to suspend Rule 8, Section 5 to permit LB 84 and LB 84A to be read and passed today.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Hannibal requested a roll call vote on the Hall-Chizek motion to suspend the rules.

Voting in the affirmative, 31:

Abboud	Byars	Hefner	Landis	Robak
Baack	Chizek	Johnson, R.	Lindsay	Rogers
Barrett	Conway	Korshoj	Moore	Schellpeper
Beck	Goodrich	Kristensen	Nelson	Smith
Bernard-Stevens	Haberman	Labedz	Peterson	Weihing
	Hall	Lamb	Pirsch	Withem
Beyer	Hartnett			

Voting in the negative, 13:

Ashford	Dierks	McFarland	Scofield	Wehrbein
Coordsen	Hannibal	Schimek	Warner	Wesely
Crosby	Johnson, L.	Schmit		

Present and not voting, 5:

Chambers	Elmer	Langford	Lynch	Morrissey

The Hall-Chizek motion to suspend the rules prevailed with 31 ayes, 13 nays, and 5 present and not voting.

MOTION - Reconsider Action on LB 84

Mr. Chambers moved to reconsider the vote to suspend the rules to permit LB 84 to be read and passed today.

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 Chambers motion to reconsider lost with 14 ayes, 29 nays, and 6 present and not voting.

MOTION - Return LB 84 to Select File

Mr. Withem moved to return LB 84 to Select File for the following specific amendment:
FA283
1. Page 3, line 22 strike "eight and one-half" and insert "six and ninety-five hundredths"
2. Page 5, line 24 strike "five thousand four" and insert "four thousand four"

Mr. Withem withdrew his pending motion to return.

MOTION - Bracket LB 84

Mr. Warner moved to bracket LB 84 until LB 739 is read on final reading.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a record vote on the Warner motion to bracket.

Voting in the affirmative, 15:

Ashford	Elmer	Lynch	Schimek	Warner
Chambers	Hannibal	Nelson	Schmit	Wehrbein
Crosby	Johnson, L.	Pirsch	Scofield	Wesely

Voting in the negative, 27:

Abboud	Byars	Hall	Lamb	Rogers
Baack	Chizek	Hartnett	Landis	Schellpeper
Beck	Conway	Hefner	Lindsay	Smith
Bernard-Stevens	Coordsen	Johnson, R.	Moore	Weihing
	Goodrich	Korshoj	Robak	Withem
Beyer	Haberman	Kristensen		

Present and not voting, 7:

Barrett	Labedz	McFarland	Morrissey	Peterson
Dierks	Langford			

The Warner motion to bracket lost with 15 ayes, 27 nays, and 7 present and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 1989, at 8:01 p.m., was the following bill: 429.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 187A in the Journal. No objections. So ordered.

AM1890

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. That section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislature Bill 187, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

29-1004. The cost of keeping and maintaining any prisoner (1) prior to his or her conviction of an offense punishable by imprisonment in the Department of Correctional Services adult correctional facility, (2) either before or after his or her conviction of an offense not so punishable, or (3) when he or she has not been convicted of any offense shall be paid by the county in which the offense was committed or was alleged to have been committed. For purposes of this section, the cost of keeping and maintaining a prisoner (a) shall not include the cost of medical, surgical, psychiatric, and hospital services provided pursuant to sections 68-104 and 68-126 and sections 7 to 13 of this act ~~but~~ and (b) if Legislature Bill 44, Ninety-first Legislature, First Session, 1989, is not enacted into law, shall include the costs arising after a prisoner is determined to be mentally incompetent to stand trial.

Sec. 4. That section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 13. The state's liability for medical, surgical, psychiatric, and hospital services furnished under section 68-104 shall be limited to a maximum total payment per fiscal year of ~~twelve~~ seven million two hundred thousand dollars. Such liability shall be allocated on a quarterly basis for all claims received during the quarter for eligible recipients. The allocation may differ from quarter to quarter. If the expense of services exceeds the quarterly allocations, then the expenses shall be prorated among all the providers submitting claims during such quarter. If the quarterly allocation is not expended, the unexpended portion shall be carried over into the next quarter. For purposes of the payments required by this section, sections 81-2403 and 81-2404 shall not apply.

Sec. 5. That original section 29-1004,

Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislature Bill 187, Ninety-first Legislature, First Session, 1989, and section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, are repealed.".

2. On page 1, line 1, strike "appropriations" and insert "medical costs; to amend section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, and section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989; to change the responsibility of the counties regarding certain costs of prisoners; to change a limitation on the state's liability for certain services"; and in line 4 after "1989" insert "; and to repeal the original sections".

3. On page 2, line 2, strike "$512,364" and insert "$562,275"; in line 3 strike "$846,715" and insert "$1,191,880"; in line 11 strike "$57,387" and insert "$72,004"; in line 12 strike "$579,046" and insert "$845,904"; and in line 15 strike "$10,940,650" and insert "$7,200,000".

4. Add underscoring to sections 1 and 2.

Messrs. Warner, Hall, and Withem asked unanimous consent to print the following amendment to LB 651A in the Journal. No objections. So ordered.

AM1911

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated $760,677 from the General Fund for the period July 1, 1989, to June 30, 1990, and $760,677 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Nebraska Coordinating Commission for Postsecondary Education, for Program 300, for the scholarship assistance program.

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 $222,461 from the General Fund for the period July 1, 1989, to June 30, 1990, and $222,461 from the General Fund for the period July 1, 1990, to June 30, 1991, to the

Nebraska Coordinating Commission for Postsecondary Education, for Program 301, for the state scholarship award program.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. That Laws 1989, LB 813, subsection (2) of section 50, is repealed.".

Mr. Withem asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

FA284
amend Kristensen amendment, line 3, strike 18,000,000 and insert $98,000,000.

MOTION - Adjournment

Mr. Hannibal moved to adjourn until 8:00 a.m., May 18, 1989. The motion lost with 11 ayes, 25 nays, and 13 present and not voting.

MOTION - Bracket LB 84

Mr. Hannibal moved to bracket LB 84 until Friday, May 19, 1989, after 1:30 p.m.

Mr. Hall requested a ruling of the Chair as to whether the Hannibal motion to bracket LB 84 is permissible under the provisions of Rule 7, Section 6, given that the body had previously considered the Warner motion to bracket the bill until LB 739 was read.

The Chair ruled that the Hannibal motion to bracket to a time certain was in order, because the earlier Warner motion to bracket LB 84 was not to a time certain.

Mr. Hefner 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 Hannibal motion to bracket lost with 15 ayes, 27 nays, and 7 present and not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 6, Section 7 & 8 and Rule 7, Section 3 to permit consideration of LB 84 without further amendment or motion.

The Lamb motion to suspend the rules prevailed with 31 ayes, 4 nays, 13 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 84. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.03, 77-3512, 77-3521, and 77-3522, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3501, 77-3510, 77-3511, 77-3516, 77-3517, and 77-3529, Revised Statutes Supplement, 1988; to adopt the Property Tax Relief Act; to exempt homesteads from property taxes as prescribed; to harmonize provisions; to provide a termination date for the Property Tax Relief Act; to provide a duty for the Revisor of Statutes; to provide an operative date; to provide inseverability; 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	Byars	Haberman	Lamb	Pirsch
Ashford	Chizek	Hall	Landis	Robak
Baack	Conway	Hartnett	Langford	Rogers
Barrett	Coordsen	Hefner	Lindsay	Schellpeper
Beck	Crosby	Johnson, R.	Lynch	Scofield
Bernard-Stevens	Dierks	Korshoj	Moore	Smith
	Elmer	Kristensen	Nelson	Weihing
Beyer	Goodrich	Labedz	Peterson	Withem

Voting in the negative, 8:

Chambers	Johnson, L.	Morrissey	Schmit	Wesely
Hannibal	McFarland	Schimek		

Present and not voting, 1:

Wehrbein

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. Hall moved to suspend the rules, Rule 6, Sections 7 & 8 and Rule 7, Section 3 and vote on the final passage of LB 84A without further amendment or motion.

The Hall motion to suspend the rules prevailed with 36 ayes, 1 nay, 11 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 84A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 84, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Barrett	Bernard-Stevens	Byars	Coordsen
Ashford	Beck	Beyer	Chizek	Crosby
Baack			Conway	Dierks

Elmer	Johnson, R.	Langford	Nelson	Schellpeper
Goodrich	Korshoj	Lindsay	Peterson	Scofield
Haberman	Kristensen	McFarland	Pirsch	Smith
Hall	Labedz	Moore	Robak	Weihing
Hartnett	Lamb	Morrissey	Rogers	Withem
Hefner	Landis			

Voting in the negative, 3:

Chambers	Johnson, L.	Wesely

Present and not voting, 5:

Hannibal	Lynch	Schimek	Schmit	Wehrbein

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 84 and 84A.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teacher from Milliken Park School, Fremont; and 25 second and third grade students, teacher, and sponsors from St. Pauls School, Utica.

ADJOURNMENT

At 10:17 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Thursday, May 18, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 18, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 18, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. William Deahl, Grace Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Conway, Hall, Hannibal, R. Johnson, Lindsay, McFarland, Schmit, Mmes. Beck, Labedz, Nelson, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2456, line 13, strike "a.m." and insert "p.m."
The Journal for the Eighty-Fifth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 1989, at 8:10 a.m., were the following bills: 84 and 84A.

(Signed) Jan Loder, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 216. Read. Considered.

LR 216 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTION - Suspend Rules

Mr. Barrett moved to suspend the rules, Rule 6, Section 7(b), and Rule 8, Section 5, to permit consideration on final reading of bills having a fiscal impact of less than one million dollars for either the 1989-90 or 1990-91 fiscal year prior to passage of the appropriation bills.

The Barrett motion to suspend the rules prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend sections 19-4601, 19-4603, and 75-109, Reissue Revised Statutes of Nebraska, 1943; to authorize cities of the primary class to regulate certain intrastate natural gas pipelines; to provide powers and duties; to limit the jurisdiction of the Public Service Commission; 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	Chizek	Hartnett	Lynch	Schellpeper
Baack	Conway	Hefner	Moore	Scofield
Barrett	Coordsen	Johnson, L.	Morrissey	Smith
Beck	Crosby	Korshoj	Nelson	Warner
Bernard-Stevens	Dierks	Kristensen	Peterson	Wehrbein
	Elmer	Labedz	Pirsch	Weihing
Beyer	Goodrich	Lamb	Robak	Wesely
Byars	Haberman	Landis	Rogers	Withem
Chambers	Hannibal	Langford		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Johnson, R.	McFarland	Schimek	Schmit
Hall	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 247 to Select File

Mr. Moore moved to return LB 247 to Select File for his specific amendment, AM1901, found in the Journal on page 2477.

Mrs. Langford 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. Moore withdrew his pending motion to return.

Mr. Wesely moved to return LB 247 to Select File for the following specific amendment:
FA285
Strike the enacting clause.

Mr. Wesely withdrew his pending motion to return.

Mr. Withem moved to return LB 247 to Select File for the following specific amendment:
FA286
Strike the enacting clause.

Mr. Withem withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 247. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-935, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1373, 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988; to state intent; to create a committee; to require a study of public postsecondary education; to provide for an appropriation; to provide for the establishment of the University of Nebraska at Kearney; to provide procedure for the transfer of certain property, rights, and obligations to the Board of Regents of the University of Nebraska; to provide for the transfer of certain employees, pensions, rights, and privileges; to provide powers and duties; to create funds; to provide for a bargaining unit; to provide responsibilities for the University of Nebraska campuses; to provide for budget planning; to eliminate provisions relating to a joint advisory committee for master of business administration degree programs; to provide operative dates; 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, 36:

Abboud	Chambers	Hannibal	Landis	Schimek
Ashford	Chizek	Hartnett	Langford	Schmit
Baack	Crosby	Hefner	Lindsay	Smith
Barrett	Dierks	Johnson, L.	Moore	Warner
Bernard-Stevens	Elmer	Johnson, R.	Nelson	Wehrbein
	Goodrich	Kristensen	Robak	Weihing
Beyer	Haberman	Labedz	Rogers	Withem
Byars	Hall			

Voting in the negative, 11:

Beck	Korshoj	McFarland	Peterson	Schellpeper
Conway	Lamb	Morrissey	Pirsch	Wesely
Coordsen				

Present and not voting, 2:

Lynch	Scofield

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.

LEGISLATIVE BILL 247A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Hannibal	Landis	Rogers
Ashford	Conway	Hartnett	Langford	Schimek
Baack	Coordsen	Hefner	Lindsay	Schmit
Barrett	Crosby	Johnson, L.	Lynch	Scofield
Bernard-Stevens	Dierks	Johnson, R.	McFarland	Smith
	Elmer	Kristensen	Moore	Warner
Beyer	Goodrich	Labedz	Nelson	Weihing
Byars	Haberman	Lamb	Robak	Withem
Chambers	Hall			

Voting in the negative, 7:

Beck	Morrissey	Pirsch	Schellpeper	Wesely
Korshoj	Peterson			

Excused and not voting, 1:

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 250.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.04, Revised Statutes Supplement, 1988; to define a term; to require training in human relations 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, 38:

Abboud	Byars	Hannibal	Lindsay	Schimek
Ashford	Chambers	Hartnett	Lynch	Schmit
Baack	Chizek	Hefner	McFarland	Scofield
Barrett	Conway	Johnson, L.	Moore	Warner
Beck	Crosby	Johnson, R.	Morrissey	Weihing
Bernard-Stevens	Dierks	Kristensen	Nelson	Wesely
Beyer	Goodrich	Labedz	Robak	Withem
	Hall	Landis	Schellpeper	

Voting in the negative, 9:

Coordsen	Haberman	Lamb	Peterson	Smith
Elmer	Korshoj	Langford	Pirsch	

Present and not voting, 1:

Rogers

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 250A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 250, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Hall	Lindsay	Schimek
Ashford	Chizek	Hartnett	Lynch	Schmit
Baack	Conway	Hefner	McFarland	Scofield
Barrett	Coordsen	Johnson, L.	Moore	Smith
Bernard-Stevens	Crosby	Johnson, R.	Morrissey	Warner
	Dierks	Kristensen	Nelson	Weihing
Beyer	Elmer	Labedz	Robak	Wesely
Byars	Goodrich	Landis	Schellpeper	Withem

Voting in the negative, 5:

Haberman	Lamb	Langford	Peterson	Pirsch

Present and not voting, 4:

Beck	Hannibal	Korshoj	Rogers

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 261. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-186, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the location of certain hearings; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Ashford	Baack	Barrett	Beck

Bernard-Stevens	Dierks	Johnson, R.	McFarland	Schimek
Beyer	Elmer	Korshoj	Moore	Schmit
Byars	Goodrich	Kristensen	Morrissey	Scofield
Chambers	Haberman	Labedz	Nelson	Smith
Chizek	Hall	Lamb	Peterson	Warner
Conway	Hannibal	Landis	Pirsch	Weihing
Coordsen	Hartnett	Langford	Robak	Wesely
Crosby	Hefner	Lindsay	Schellpeper	Withem
	Johnson, L.	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 1:

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 261A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 261, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Beyer	Dierks	Hefner	Landis
Ashford	Byars	Elmer	Johnson, L.	Lindsay
Baack	Chambers	Goodrich	Johnson, R.	Lynch
Barrett	Chizek	Haberman	Korshoj	McFarland
Beck	Conway	Hall	Kristensen	Moore
Bernard-Stevens	Coordsen	Hannibal	Labedz	Morrissey
	Crosby	Hartnett	Lamb	Nelson

Peterson	Schellpeper	Scofield	Warner	Wesely
Pirsch	Schimek	Smith	Weihing	Withem
Robak	Schmit			

Voting in the negative, 0.

Present and not voting, 2:

Langford Rogers

Excused and not voting, 1:

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 277.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Revised Statutes Supplement, 1988; to provide for the Tax Commissioner to enter into an agreement with the United States Office of Personnel Management to withhold income tax on certain federal annuity payments 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	Chizek	Hefner	Lindsay	Schellpeper
Ashford	Conway	Johnson, L.	Lynch	Schimek
Baack	Coordsen	Johnson, R.	McFarland	Schmit
Barrett	Dierks	Korshoj	Moore	Scofield
Beck	Elmer	Kristensen	Morrissey	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
	Haberman	Lamb	Peterson	Weihing
Beyer	Hall	Landis	Pirsch	Wesely
Byars	Hannibal	Langford	Robak	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Crosby Rogers

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 277A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Nelson	Warner
Beyer	Haberman	Labedz	Peterson	Weihing
Byars	Hall	Lamb	Pirsch	Wesely
Chambers	Hannibal	Landis	Robak	Withem

Voting in the negative, 0.

Present and not voting, 3:

Crosby Langford Rogers

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 280.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1401.02, 60-1407.01, 60-1411.03, 60-1411.04, 60-1420, 60-1429, 60-1430, 60-1440, and 60-2701, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change a provision relating to certain license applications; to prohibit motor vehicle dealers from committing certain acts relating to advertising; to change provisions relating to the termination of a motor vehicle franchise as prescribed; to change provisions relating to the sale or transfer of a motor vehicle franchise; to provide for the payment of costs upon the termination, cancellation, or noncontinuation of a franchise as prescribed; to change a penalty provision; to change a provision relating to actions for damages and relief; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
Beyer	Goodrich	Labedz	Peterson	Weihing
Byars	Haberman	Lamb	Pirsch	Wesely
Chambers	Hall	Landis	Robak	Withem
	Hannibal	Langford	Rogers	

Voting in the negative, 0.

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 283.

A BILL FOR AN ACT relating to transportation; to amend sections 39-619.01, 39-6,138, 60-301, 60-305.01, 60-305.09, 60-330, and 60-334, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for unlawful acts relating to signs, traffic-control devices, and traffic-surveillance devices; to change requirements for auxiliary driving lamps; to define, redefine, and eliminate terms; to provide for registration of certain motor vehicles by nonresident owners; to change the fund to which certain payments are credited; 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, 47:

Abboud	Chizek	Hartnett	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, L.	McFarland	Schimek
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
Beyer	Goodrich	Labedz	Peterson	Weihing
Byars	Haberman	Lamb	Pirsch	Wesely
Chambers	Hall	Landis	Robak	Withem
	Hannibal	Langford		

Voting in the negative, 0.

Present and not voting, 1:

Schmit

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. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 303. With Emergency.

A BILL FOR AN ACT relating to group life and health insurance; to amend sections 44-1620, 44-1620.01, 44-1622 to 44-1623, and 44-1630, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 326, Ninety-first Legislature, First Session, 1989; to authorize a fee; to change the state's contribution to the state employee health insurance program as prescribed; to change duties of and provide duties for the Department of Personnel and the Risk Manager 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, 47:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Schmit
Barrett	Crosby	Johnson, R.	Morrissey	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
	Goodrich	Labedz	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Chambers	Hannibal	Langford		

Voting in the negative, 0.

Excused and not voting, 2:

Lynch 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 303A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 303, Ninety-first Legislature, First Session, 1989; 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, 45:

Abboud	Conway	Hartnett	Langford	Schellpeper
Ashford	Coordsen	Hefner	Lindsay	Schimek
Baack	Crosby	Johnson, L.	McFarland	Schmit
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Nelson	Warner
Beyer	Haberman	Labedz	Peterson	Weihing
Byars	Hall	Lamb	Pirsch	Wesely
Chizek	Hannibal	Landis	Robak	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Rogers

Excused and not voting, 2:

Lynch 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 312. With Emergency.

A BILL FOR AN ACT relating to school funds; to amend sections 79-1378 and 79-1379, Revised Statutes Supplement, 1988; to change the termination date of the School Financing Review Commission; to change the duties of the commission; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hall	Lamb	Pirsch
Ashford	Chizek	Hannibal	Landis	Robak
Baack	Conway	Hartnett	Langford	Schellpeper
Barrett	Coordsen	Hefner	Lindsay	Schimek
Beck	Crosby	Johnson, L.	McFarland	Schmit
Bernard-Stevens	Dierks	Johnson, R.	Moore	Smith
Beyer	Elmer	Korshoj	Morrissey	Warner
Byars	Goodrich	Kristensen	Nelson	Wesely
	Haberman	Labedz	Peterson	Withem

Voting in the negative, 0.

Present and not voting, 3:

Rogers Scofield Weihing

Excused and not voting, 2:

Lynch 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 312A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate and reappropriate funds to aid in carrying out the provisions of Legislative Bill 312, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chambers	Hall	Landis	Schellpeper
Ashford	Chizek	Hartnett	Lindsay	Schimek
Baack	Conway	Hefner	McFarland	Schmit
Barrett	Coordsen	Johnson, L.	Moore	Scofield
Beck	Crosby	Johnson, R.	Morrissey	Smith
Bernard-Stevens	Dierks	Korshoj	Nelson	Weihing
Beyer	Elmer	Kristensen	Peterson	Wesely
Byars	Goodrich	Labedz	Pirsch	Withem
	Haberman	Lamb	Robak	

Voting in the negative, 0.

Present and not voting, 4:

Hannibal	Langford	Rogers	Warner

Excused and not voting, 2:

Lynch	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.

ATTORNEY GENERAL'S OPINION

Opinion No. 89051

DATE: May 18, 1989

SUBJECT: The Constitutionality of LB 356 (which would appropriate funds to reimburse depositors of insolvent Nebraska industrial loan and investment companies)

REQUESTED BY: Senator John L. Weihing
District No. 48

WRITTEN BY: Robert M. Spire
Attorney General

You ask if LB 356 is constitutional when it appropriates funds to reimburse depositors of State Securities Company and American Savings Company. You also ask if LB 356 would be constitutional if depositors of Commonwealth Savings Company were added to it. In my judgment LB 356 is constitutional as to the depositors of State Securities Company and American Savings Company and also would be constitutional as to the depositors of Commonwealth Savings Company. Therefore, my answer is yes with regard to depositors of all three of these insolvent industrial loan and investment companies.

I

What is the legal basis for the constitutionality of LB 356? There are many constitutional, statutory and common law legal principles which relate to this issue. Discussion of them all would easily provide subject material for a year-long law school seminar and several law review articles. All of which would be worthwhile. However, the essential legal basis for determining the constitutionality of LB 356 is the question of whether or not appropriation of funds to reimburse the depositors of these insolvent institutions is for an appropriate public purpose. If LB 356 is for such a public purpose, it is constitutional. If not, it is unconstitutional and subject to legal attack on a number of grounds.

LB 356 summarizes the history of (a) insolvency of these failed industrial loan and investment companies, (b) the Nebraska Depository Institution Guaranty Corporation (NDIGC) and (c) the enactment of Neb.Rev.Stat. §21-17,144 (which required depository institutions to advertise the NDIGC protection of depositor accounts). LB 356 then makes a legislative finding and declaration that the history it summarizes has "seriously impaired the confidence of the people of this state in the Legislature and in enactments of the Legislature such as §21-17,144." In addition, there are the further legislative declarations that "the confidence of the people of this state in its financial institutions has been seriously impaired, the welfare and stability of this state and its financial institutions require that the people have confidence in the Legislature and in the financial institutions that are organized pursuant to the enactments of the Legislature, and the redemption of the guaranty to depositors by the Nebraska Depository Institution Guaranty Corporation will serve a necessary public purpose and will effect a sound and necessary public policy."

There are several Nebraska Supreme Court cases addressing the question of what is or is not a proper public purpose which will

support the constitutionality of a legislative appropriation. A study of these cases is instructive. See State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63 (1962) Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976) Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981) State ex rel. Creighton Univ. v. Smith, 217 Neb. 682 353 N.W.2d 267 (1984). There are other similar decisions.

Several common themes which bear upon the constitutionality of LB 356 run through these cases. These themes are:

1) The Nebraska Constitution does not grant power to the Legislature but rather restricts the Legislature. The Legislature may legislate on any subject not prohibited by the Constitution.

2) Unless either the United States or Nebraska Constitution provides otherwise, the Legislature may enact laws and appropriate funds in order to accomplish any proper public purpose.

3) It is for the Legislature to determine what is and what is not a proper public purpose. A legislative determination of a public purpose may be reviewed by the courts. But in making this review, the courts may not declare a statute invalid unless it clearly does not serve a public purpose.

4) In examining the propriety of a legislative statement of public purpose, the courts defer to the judgment of the Legislature. In order to invalidate the Legislature's judgment, the courts must find that the specific public purpose identified and described by the Legislature either does not exist or is inescapably improper. In other words, the essential responsibility for determining what is or is not a public purpose is that of the peoples' elected representatives, the Legislators. The courts will not disturb such a legislative determination unless the courts conclude that it is clearly opposed to established public policy. Stated another way, courts will not substitute their judgment of a proper public purpose for that of the Legislature without a strong showing of legislative error in determining the specific public purpose.

5) With regard to both statements of public purpose and other matters, a statute enacted by the Legislature is presumed to be Constitutional. The courts will not set aside a statute as unconstitutional unless the courts find the statute to be clearly contrary to basic constitutional law and general public policy.

The declaration of public purpose in LB 356 is abundantly clear. LB 356 states without ambiguity that the circumstances surrounding these failed institutions present a unique and deeply disturbing situation which urgently calls for a legislative remedy. As cogently stated in LB 356, the very integrity and credibility of actions by the State are involved. Restoring this credibility requires at a minimum the action of the Legislature provided for in LB 356. The

circumstances the Legislature describes are not normal or customary. They are unique and thus call for unique responses. The unique legislative response in LB 356, based upon a clearly described statement of public purpose, would not, in my opinion, be second-guessed by the courts.

To summarize, I conclude that the courts would (a) examine the history and circumstances surrounding these failed institutions, (b) consider thoughtfully the public purpose set forth in LB 356, and (c) determine that the LB 356 public purpose is an appropriate legislative response on behalf of the State of Nebraska to the circumstances surrounding these failed institutions. I believe the courts would agree with the Legislature that there can be no more important public purpose than public confidence in government. And public confidence in government is directly involved here.

II

There are several legal premises upon which the constitutionality of LB 356 may be attacked. Chief among these are:

1) Premise for legal attack: LB 356 is unconstitutional special legislation because it circumvents the procedures established in the State Tort Claims Act for responding to claims of alleged wrongs to a fixed class of persons. Answer to premise for legal attack: The public purpose of LB 356 is to restore confidence in the credibility of government. The fact that it provides benefits to the depositors does not override the authority of the Legislature to address this public purpose. The issue here is not how and when the State of Nebraska may be sued or by whom. The issue here is the legislative response to the public purpose as described and supported by the legislative declarations in LB 356.

2) Premise for legal attack: LB 356 violates the separation of powers between Executive and the Legislative governmental entities because only the Executive (through the Attorney General) may settle a tort claim. Answer to premise for legal attack: This separation of powers assertion would apply if we were addressing this matter simply as the resolution of a lawsuit. However, the constitutional authority of the Legislature to identify and respond to an appropriate public purpose (in this case the integrity of actions of the State and enactments of the Legislature) supports this appropriation. This is not a question of the Legislature rather than the Attorney General settling a lawsuit.

3) Premise for legal attack: With regard to the depositors of Commonwealth, a settlement was made through an $8.5 million appropriation by the Legislature. Thus, Commonwealth's depositors should not be reimbursed further. Answer to premise for legal attack: This argument fails because the purpose of LB 356 is to

restore governmental credibility and the Legislature may do this without regard to past or present lawsuits. The prior settlement of the Commonwealth depositors' tort claims through the $8.5 million payment does not prevent the Legislature from addressing the public purpose it has described in LB 356.

4) Premise for legal attack: LB 356 appropriates funds to reimburse depositors for payments which the depositors could have received from the NDIGC if the NDIGC had held sufficient assets to make such payments. Thus, the appropriation of the funds under LB 356 for these depositors violates Article XIII, Section 3 of the Nebraska Constitution, which restricts the authority of government to provide financial aid to corporations (the aid here in effect being to NDIGC, a private corporation, because the payments to depositors may satisfy obligations of NDIGC). Answer to premise for legal attack: Here again, we must look at the public purpose so clearly stated by the Legislature in LB 356. The purpose is the restoration of confidence in government through an accounting to the depositors of at least some of the losses those depositors suffered as a result of the circumstances surrounding these failed institutions. Any possible indirect benefit to NDIGC does not invalidate this public purpose. The legal constitutional test here is whether or not this purpose (that is, the appropriation of these funds to restore credibility in government) is proper.

III

Through LB 356 the Nebraska Legislature is making a good faith effort to address a situation which has seriously eroded confidence in State government. In LB 356 the Legislature clearly describes the circumstances and public purpose it is addressing based upon those circumstances. In my judgment, the courts would uphold the action of the Legislature here as the fulfillment of an appropriate public purpose as identified and described by the elected representatives of the citizens of Nebraska.

Very truly yours,
ROBERT M. SPIRE
Attorney General

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

EXPLANATION OF VOTE

Had I been present, I would have voted "no" on LB 84.

(Signed) Jerome Warner

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 95, 247, 247A, 250, 250A, 261, 261A, 277, 277A, 280, 283, 303, 303A, 312, and 312A.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 272A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 651. E & R amendment, AM7041, found in the Journal on page 1620 for the Sixty-Second Day, was adopted.

Messrs. Hall, Withem, and Warner offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM1910.)

The Hall-Withem-Warner amendment was adopted with 25 ayes, 5 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 651A. Messrs. Warner, Hall, and Withem renewed their pending amendment, AM1911, found in the Journal on page 2496.

The Warner-Hall-Withem 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.

LEGISLATIVE BILL 289. E & R amendment, AM7065, found in the Journal on page 1903 for the Seventy-Second Day, was adopted.

Mr. Schmit renewed his pending amendment, AM1757, printed separately from the Journal and referred to on page 2293.

Mr. Warner offered the following amendment to the pending Schmit amendment:
AM1818

(Amendments to AM1757)

1. On page 16, line 12, strike "the"; and in line 13 strike "effective date of this act" and insert "July 17, 1986,".

2. On page 18, line 9, after "representative" insert "after the effective date of this act".

Messrs. Dierks, Hall, Byars, Haberman, McFarland, Landis, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 1989, at 11:20 a.m., were the following bills: 95, 247, 247A, 250, 250A, 261, 261A, 277, 277A, 280, 283, 303, 303A, 312, and 312A.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 272A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

VISITORS

Visitors to the Chamber were Bonnie Coley from the American Hereford Association, and David Allen, Amie Callahan, and C. J. Brown from the Nebraska Junior Hereford Association; 31 fourth grade students and teacher from Mockingbird Elementary School, Omaha; 12 fifth grade students and teacher from Weeping Water; Shirleen Hoffman from Bradshaw; a study club from Coleridge; seven sixth grade students and teacher from Loup County Public School; 35 fifth and sixth grade students and teachers from Burwell; 30 third

and fourth grade students and teachers from East Butler Elementary School, Dwight; and 45 fourth grade students and teacher from Loveland Elementary School, Omaha.

RECESS

At 12:11 p.m., on a motion by Mrs. Langford, 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. Byars, Chizek, Hannibal, L. Johnson, Kristensen, McFarland, Wehrbein, Mmes. Labedz, and Smith who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 216.

RESOLUTION

LEGISLATIVE RESOLUTION 219. Introduced by Abboud, 12th District.

WHEREAS, Reverend William Foster, after thirty-two years at St. Gerald's parish in Ralston, Nebraska, will retire next month; and

WHEREAS, Reverend Foster built the parish of St. Gerald's from the ground up; and

WHEREAS, the parish has grown from one hundred families in 1957 to over one thousand six hundred families today. Such growth resulted in the building of the West Church in 1975; and

WHEREAS, the parish has developed youth programs which encourage the involvement of youth and their parents; and

WHEREAS, Reverend Foster deserves recognition and congratulations for his work and dedication in building and cultivating St. Gerald's parish to help it become the thriving parish it is today.

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

1. That the Legislature wishes Reverend Foster a happy and long retirement.

2. That a copy of the resolution shall be sent to the Reverend William Foster in Ralston, Nebraska.

Laid over.

SELECT FILE

LEGISLATIVE BILL 289. The pending Warner amendment, AM1818, found in the Journal on page 2522, to the pending Schmit amendment, AM1757, was renewed.

Mr. Barrett asked unanimous consent to be excused until he returns. 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. Warner moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Bernard-Stevens	Haberman	Johnson, L.	Moore	Schimek
Coordsen	Hall	Johnson, R.	Morrissey	Scofield
Goodrich	Hannibal	Langford	Robak	Warner
	Hartnett	Lynch	Rogers	Weihing

Voting in the negative, 18:

Abboud	Beyer	Hefner	Lindsay	Schellpeper
Ashford	Chambers	Korshoj	Nelson	Wesely
Baack	Conway	Lamb	Pirsch	Withem
Beck	Elmer	Landis		

Present and not voting, 4:

Crosby	Dierks	Peterson	Schmit	

Excused and not voting, 8:

Barrett	Chizek	Labedz	Smith	Wehrbein
Byars	Kristensen	McFarland		

The Warner amendment lost with 19 ayes, 18 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford moved to reconsider the Warner amendment, AM1818, to LB 289.

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. Ashford moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Ashford motion to reconsider prevailed with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Warner amendment, AM1818, found in this day's Journal, was reconsidered.

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 pending Warner amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Messrs. Landis, Warner, and Coordsen renewed their pending amendment, AM1824, found in the Journal on page 2390, to the pending Schmit amendment.

SPEAKER BARRETT PRESIDING

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 pending Landis-Warner-Coordsen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The pending Schmit amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1883, printed separately from the Journal and referred to on page 2437.

Mr. Haberman requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

Mr. Schmit moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1883 to LB 289.

Mr. Schmit withdrew his pending motion to suspend the rules.

Mr. Schmit withdrew his pending amendment, AM1883, printed separately from the Journal and referred to on page 2437.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 289A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 639. E & R amendments, AM7080, found in the Journal on page 2333 for the Eighty-Third Day, were adopted.

Mr. Wesely moved to indefinitely postpone LB 639.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his pending motion to indefinitely postpone.

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.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wehrbein and R. Johnson asked unanimous consent to print the following amendment to LB 340 in the Journal. No objections. So ordered.

AM1933

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 13. The Unmarked Human Burial Sites and Skeletal Remains Protection Act shall not apply to human skeletal remains or burial goods originally buried outside Nebraska.".

2. On page 2, line 1, strike "12" and insert "13".

3. On page 9, line 20, after "remains" insert "which were originally buried in Nebraska"; and in line 22 after "origin" insert "which were originally buried in Nebraska".

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Revenue

The Revenue 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.

Kipton Hirschbach - Nebraska Agricultural Land Valuation Advisory Board
Doralene Weed - Nebraska Agricultural Land Valuation Advisory Board

VOTE: Aye: Senators Hall, Hartnett, Hefner, Peterson, and Rogers. Nay: None. Absent: Senators Haberman, Labedz, and Landis.

(Signed) Tim Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 272. E & R amendments, AM7081, found in the Journal on page 2336 for the Eighty-Third Day, were adopted.

Mr. Ashford moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1868 to LB 272.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Ashford motion to suspend the rules prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Ashford renewed his pending amendment, AM1868, found in the Journal on page 2423.

The Ashford amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 137. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 137A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 215. E & R amendments, AM7079, found in the Journal on page 2337 for the Eighty-Third Day, were adopted.

Advanced to E & R for Engrossment.

MRS. LABEDZ PRESIDING

LEGISLATIVE BILL 377. Mr. R. Johnson withdrew his pending amendment, AM1820, printed separately from the Journal and referred to on page 2355.

Mr. Weihing withdrew his pending amendment, AM1904, found in the Journal on page 2483.

Mr. Lynch withdrew his pending amendment, AM1885, found in the Journal on page 2484.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1937 to LB 377.

The R. Johnson motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Messrs. R. Johnson, Weihing, Kristensen, and Lynch offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1937.)

The R. Johnson et al. amendment was adopted with 28 ayes, 0 nays, 16 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.

Advanced to E & R for Engrossment.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 258. E & R amendments, AM7082, found in the Journal on page 2364 for the Eighty-Third Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 352. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. E & R amendments, AM7069, found in the Journal on page 2276 for the Eighty-First Day, were adopted.

Advanced to E & R for Engrossment.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 355A. Mr. Wesely renewed his pending amendment, AM1876, found in the Journal on page 2411.

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 761A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 762A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 817A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 815A. E & R amendment, AM7083, found in the Journal on page 2482 for the Eighty-Fifth Day, was adopted.

Advanced to E & R for Engrossment.

MOTION - Request LB 228 be Returned From Governor

Mr. Withem offered the following McFarland motion to direct the Clerk to request the Governor to return LB 228 for further consideration.

The McFarland motion prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

COMMUNICATION

May 18, 1989

The Honorable Kay Orr
Governor - State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Orr:

The Legislature, pursuant to Rule 7, Section 7(c), has requested the return of LB 228. Should you be so inclined to return the bill, the Legislature would then be in a position to offer technical and/or clarifying amendments to the bill.

Please feel free to contact my office should you have any questions.

Thank you for your consideration.

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

PJO:r

SELECT FILE

LEGISLATIVE BILL 211. E & R amendment, AM7078, found in the Journal on page 2333 for the Eighty-Third Day, was adopted.

Mr. Chizek withdrew his pending amendment, AM1696, found in the Journal on page 2108.

Mr. Hall renewed his pending amendment, FA280, found in the Journal on page 2482.

Mr. Hall withdrew his pending amendment.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 651A in the Journal. No objections. So ordered.

FA287

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

RESOLUTION

LEGISLATIVE RESOLUTION 220. Introduced by Moore, 24th District; Dierks, 40th District; Wehrbein, 2nd District; L. Johnson,

15th District; Scofield, 49th District; Baack, 47th District; R. Johnson, 34th District.

WHEREAS, farms, ranches, and businesses in the State of Nebraska and the northern great plains region of the United States must compete in the global marketplace; and

WHEREAS, the competitiveness of Nebraska and this region in the global economy can be enhanced by providing an interdisciplinary education at the university level encompassing international business, law, economics, agriculture, and other relevant disciplines; and

WHEREAS, the competitiveness of Nebraska and this region in the global economy can also be enhanced by conducting relevant research programs and disseminating information through publications, seminars, and outreach programs; and

WHEREAS, the College of Business Administration, the College of Law, the Institute of Agriculture and Natural Resources, and other colleges and institutions at the University of Nebraska-Lincoln and their faculties have substantial expertise in international business, economics, law, and agriculture; and

WHEREAS, the University of Nebraska-Lincoln has organized the Center for International Trade Policy to conduct interdisciplinary academic, research, and outreach programs to enhance the competitiveness of Nebraska and this region in the global economy; and

WHEREAS, the University of Nebraska-Lincoln and the Center for International Trade Policy deserve special recognition for their initiative in this regard.

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

1. That the Legislature commends the University of Nebraska-Lincoln for establishing the Center for International Trade Policy.

2. That the Legislature urges officials of the State of Nebraska to cooperate with the Center for International Trade Policy in promoting the common objective of increasing the competitiveness of Nebraska and this region in the global economy.

3. That the Clerk of the Legislature send a copy of this resolution to the Chancellor of the University of Nebraska-Lincoln, Dr. Martin A. Massengale and the Interim Executive Director of the Center for International Trade Policy, Robert L. McGeorge.

Laid over.

SELECT FILE

LEGISLATIVE BILL 588. The pending Labedz amendment, AM1764, found in the Journal on page 2228, and considered on page 2289, was renewed.

Messrs. Rogers and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

The Labedz amendment lost with 10 ayes, 11 nays, 21 present and not voting, and 7 excused and not voting.

Mrs. Labedz moved to indefinitely postpone LB 588.

Mrs. Labedz asked unanimous consent to replace her pending motion with a substitute amendment. No objections. So ordered.

Mrs. Labedz renewed her substitute amendment, AM1852, found in the Journal on page 2447.

Mrs. Labedz moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Abboud	Dierks	Hannibal	Lamb	Schellpeper
Ashford	Elmer	Hefner	Lindsay	Wehrbein
Beyer	Goodrich	Johnson, L.	Lynch	Weihing
Coordsen	Haberman	Labedz	Peterson	

Voting in the negative, 16:

Baack	Chambers	Korshoj	McFarland	Smith
Beck	Conway	Kristensen	Morrissey	Wesely
Bernard-Stevens	Hall	Landis	Schimek	Withem
	Hartnett			

Present and not voting, 10:

Barrett	Crosby	Moore	Pirsch	Scofield
Byars	Langford	Nelson	Robak	Warner

Excused and not voting, 4:

Chizek	Johnson, R.	Rogers	Schmit

The Labedz amendment lost with 19 ayes, 16 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz moved to bracket LB 588 until January 3, 1990.

Mrs. Labedz moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mrs. Labedz requested a roll call vote on her motion to bracket.

Voting in the affirmative, 17:

Beyer	Haberman	Labedz	Moore	Schellpeper
Coordsen	Hall	Lamb	Peterson	Schmit
Elmer	Hefner	Lynch	Robak	Weihing
Goodrich	Johnson, L.			

Voting in the negative, 15:

Abboud	Chambers	Korshoj	Morrissey	Smith
Baack	Conway	Kristensen	Pirsch	Wesely
Bernard-Stevens	Hartnett	Landis	Schimek	Withem

Present and not voting, 14:

Ashford	Byars	Hannibal	McFarland	Warner
Barrett	Crosby	Langford	Nelson	Wehrbein
Beck	Dierks	Lindsay	Scofield	

Excused and not voting, 3:

Chizek	Johnson, R.	Rogers

The Labedz motion to bracket lost with 17 ayes, 15 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Labedz offered the following amendment:
FA288
to amend LB 588 (AM7067) by striking section 3.

Mrs. Labedz withdrew her pending amendment.

Mr. Withem 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 machine vote on the advancement of the bill.

Mrs. Labedz requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Conway	Korshoj	McFarland	Schimek
Baack	Crosby	Kristensen	Moore	Scofield
Beck	Hall	Landis	Morrissey	Smith
Bernard-Stevens	Hannibal	Langford	Nelson	Wesely
Chambers	Hartnett	Lindsay	Pirsch	Withem

Voting in the negative, 17:

Barrett	Goodrich	Johnson, R.	Lynch	Warner
Beyer	Haberman	Labedz	Peterson	Wehrbein
Coordsen	Hefner	Lamb	Schellpeper	Weihing
Elmer	Johnson, L.			

Present and not voting, 5:

Ashford	Byars	Dierks	Robak	Schmit

Excused and not voting, 2:

Chizek	Rogers

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 289A in the Journal. No objections. So ordered.

AM1912

1. Strike original section 2 and insert the following new sections:

"Sec. 2. The State Treasurer is hereby directed to transfer (1) $69,691 from the Petroleum Release Remedial Action Cash Fund to the State Fire Marshal Cash Fund for the period July 1, 1989, to June 30, 1990, and (2) $62,691 from the Petroleum Release Remedial Action Cash Fund to the State Fire Marshal Cash Fund for the period July 1, 1990, to June 30, 1991, to the State Fire Marshal, for Program 193, to aid in carrying out the provisions of Legislative Bill 289, Ninety-first Legislature, First Session, 1989.

Sec. 3. There is hereby appropriated (1) $69,691 from the State Fire Marshal Cash Fund for the period July 1, 1989, to June 30, 1990, and (2) $62,691 from the State Fire Marshal Cash Fund for the period July 1, 1990, to June 30, 1991, to the State Fire Marshal, for Program 193, to aid in carrying out the provisions of Legislative Bill 289, Ninety-first Legislature, First Session, 1989.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $27,490 for the period July 1, 1989, to June 30, 1990, or $27,490 for the period July 1, 1990, to June 30, 1991.".

2. On page 2, line 2, strike "$65,602" and insert "$65,000" and strike "General" and insert "Petroleum Release Remedial Action Collection"; and in line 3 strike "$28,165" and insert "$28,000" and strike "General" and insert "Petroleum Release Remedial Action Collection".

3. On page 3, line 1, strike "$3,037,500" and insert "$2,902,684"; in line 3 strike "$4,179,500" and insert "$2,468,484"; in line 16 strike "$2,793,570" and insert "$2,658,754"; and in line 19 strike "$3,935,570"

and insert "$2,224,554".

4. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 651A in the Journal. No objections. So ordered.

AM1945

(Amendments to Final Reading copy)

1. Insert the following 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.".

2. On page 1, line 5, strike "and"; and in line 7 after "1989" insert "; and to declare an emergency".

Messrs. Landis, Chambers, McFarland, Warner, Wesely, Hall, Lynch, Mmes. Labedz, Crosby, and Ms. Schimek asked unanimous consent to print the following amendment to LB 272A in the Journal. No objections. So ordered.

AM1935

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of this act:

(1) Company in receivership shall mean an industrial company which is being liquidated by a receiver or the department;

(2) Department shall mean the Department of Banking and Finance;

(3) Deposit shall mean a certificate of indebtedness or any other evidence of an industrial company's indebtedness which was unpaid when a protected company filed bankruptcy pursuant to Chapter 11 of the United States Bankruptcy Code or when a company in receivership entered receivership;

(4) Depositors shall mean owners of deposits;

(5) Industrial company shall mean any industrial loan and investment company;

(6) Nebraska Depository Institution Guaranty Corporation shall mean the Nebraska Depository Institution Guaranty Corporation formed pursuant to the Nebraska Depository Institution Guaranty Corporation Act;

(7) Protected company shall mean an industrial company that filed bankruptcy pursuant to Chapter 11 of the United States Bankruptcy Code after November 1, 1983; and

(8) Successor company shall mean an existing corporation which has issued evidences of indebtedness, such as capital notes, to depositors for the unpaid amounts of their deposits.

Sec. 2. The Legislature hereby finds and declares that the Nebraska Depository Institution Guaranty Corporation was formed with department approval to protect depositors of certain financial institutions. Prior to November 1, 1983, all industrial companies had been approved by the department as members of the Nebraska Depository Institution Guaranty Corporation. On April 28, 1980, the Director of Banking and Finance issued an order increasing the guaranty per deposit from ten thousand dollars to thirty thousand dollars, and in 1977 the Legislature enacted what now appears as section 21-17,144 which requires every depository institution to display at each place of business maintained by it a sign or signs indicating that its member or depositor accounts are protected by the Nebraska Depository Institution Guaranty Corporation and that it include in all of its advertisements a statement to the effect that its member or depositor accounts are protected by the Nebraska Depository Institution Guaranty Corporation.

The Legislature further finds and declares that prior to the department's approval of Commonwealth Savings Company as a member of the Nebraska Depository Institution Guaranty Corporation the department knew or should have known that Commonwealth Savings Company was in unsatisfactory financial condition and that its officers, or some of them, had engaged in criminal actions, violations of banking statutes, rules, and regulations, and mismanagement. The department in each year following its approval of Commonwealth Savings Company as a member of the Nebraska Depository Institution Guaranty Corporation knew that Commonwealth Savings Company's financial condition was increasingly unsatisfactory and beginning in 1982 the department knew that Commonwealth Savings Company was insolvent, but at no time prior to November 1, 1983, did the department report Commonwealth Savings Company's insolvency to

other industrial companies or to the public, and at no time did the department prior to November 1, 1983, take action against Commonwealth Savings Company or its officers. On November 1, 1983, the department closed Commonwealth Savings Company and took control of its assets as receiver.

The Legislature further finds and declares that on November 1, 1983, the same day when the department closed Commonwealth Savings Company, the department, without regard to whether other industrial companies were solvent, publicly ordered all other industrial companies to refuse to allow depositors to withdraw funds unless the depositors' certificates of indebtedness had matured. The publication of such an order caused depositors to lose confidence in industrial companies, to withdraw their deposits as soon as their certificates of indebtedness matured, and to decline to reinvest their money in any other industrial company. Therefor the assets of such industrial companies were continuously drained until all such companies were forced to merge with or be purchased by other financial institutions or to seek protection by reorganization under Chapter 11 of the United States Bankruptcy Code. Because of the above chain of events, after November 1, 1983, holders of certificates of indebtedness in industrial companies which later became protected companies were paid in full if their certificates of indebtedness matured before the industrial company filed bankruptcy, but those whose certificates of indebtedness happened to mature afterwards received only partial payment.

All of the assets of the Nebraska Depository Institution Guaranty Corporation were paid to the receiver of Commonwealth Savings company, and no depositors have been paid in full and in no case has there been enough assets to satisfy the thirty-thousand-dollar guaranty which industrial companies were required by law to display and advertise.

The Legislature further finds and declares that the enactment of the Nebraska Property and Liability Insurance Guaranty Association Act has allowed state funds by means of premium tax credits to be used to protect policyholders in insolvent insurance companies, and the same principle should be extended to

depositors in insolvent industrial companies.

The Legislature further finds and declares that the actions of the department and the Director of Banking and Finance, the requirement passed by the Legislature in section 21-17,144, that is, that the thirty-thousand-dollar guaranty of each deposit by the guaranty corporation be displayed and advertised, and principles of fairness all require that the State of Nebraska fulfill the thirty-thousand-dollar guaranty of each and every deposit.

Sec. 3. In addition to the findings in section 2 of this act, the Legislature further finds and declares that the circumstances recited in such section have seriously impaired the confidence of the people of this state in the Legislature and in the enactments of the Legislature such as section 21-17,144, the confidence of the people of this state in its financial institutions has been seriously impaired, the welfare and stability of this state and its financial institutions require that the people have confidence in the Legislature and in the financial institutions that are organized pursuant to the enactments of the Legislature, and the redemption of the guaranty to depositors by the Nebraska Depository Institution Guaranty Corporation will serve a necessary public purpose and will effect a sound and necessary public policy.

Sec. 4. The department shall, from money appropriated to it from time to time, distribute to depositors sums of money to be applied to the payment of deposits up to thirty thousand dollars. To be qualified for such a distribution, a depositor must be the owner of a deposit. The department may use successor companies or receivers of companies in receivership to facilitate payments to depositors. The department shall adopt and promulgate rules and regulations to assist depositors to establish that they are qualified and for effecting an efficient distribution of funds to honor the guaranty of deposits by the Nebraska Depository Institution Guaranty Corporation. To ensure fair and equitable distribution of the money appropriated and that all depositors will recover the guaranteed portions of their deposits at approximately the same time, the distributions shall be allocated so that, at any one

point in time, all depositors shall be reasonably assured of recovering the same percentage of the guaranteed portions of their deposits, taking into consideration all sources of recovery, including prior distributions of the assets of the guaranty corporation and the funds appropriated by the state, as well as both prior and anticipated future distributions of funds obtained from the liquidation of assets by successor companies and receivers. The presumed size of future distributions resulting from such asset liquidations shall be based upon estimates made by qualified professional appraisers as to the amounts that can be realized from the liquidation of the salable assets held by the successor companies and receivers. Successor companies and receivers shall be subject to the supervision of the department in order to ensure that the appropriations to the department are distributed fairly and in equal proportions among all depositors. If the appropriation received by the department for fiscal year 1989-90 is insufficient to satisfy the thirty-thousand-dollar guaranty of each and every deposit, although the Ninety-first Legislature cannot bind future legislatures, it is the intent of the Legislature that future legislatures shall make additional appropriations from time to time until the thirty-thousand-dollar guaranty has been discharged with regard to each and every deposit.

Sec. 5. If, after all depositors have received the guaranteed portion of their deposits, the successor companies or receivers recover additional amounts of liquidation of assets, such additional amounts shall be used to reimburse the state for the amounts appropriated for purposes of section 4 of this act and any remaining amounts shall be expended according to law.

Sec. 6. When payment has been offered to all depositors in the full amount of the thirty-thousand-dollar guaranty, then, but not before, the offer of such payment to each depositor shall constitute a full satisfaction of that depositor's claims against the state based on the guaranty by the Nebraska Depository Institution Guaranty Corporation. The offer of such payment shall not be deemed to satisfy any claims or lawsuits of the depositor against any

individual or entity other than the State of Nebraska.

Sec. 7. There is hereby appropriated $16,900,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $16,900,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Banking and Finance, to aid in carrying out the provisions of this act.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION - Reconsider Action on LB 228

Mr. Withem offered the following McFarland motion to reconsider LB 228 on Final Passage pursuant to Rule 7, Sec. 7. (e).

The McFarland motion to reconsider prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MOTION - Return LB 228 to Select File

Mr. Withem offered the following McFarland motion to return LB 228 to Select File for the following specific amendment:
AM1943

(Amendments to Second Final Reading copy)

1. On page 2, line 9, strike "balance of the general fund" and insert "total budgeted general fund expenditures".

The McFarland motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 228. The McFarland specific amendment, AM1943, found in this day's Journal, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 89 to Select File

Mrs. Smith moved to return LB 89 to Select File for her specific amendment, AM1454, found in the Journal on page 1875.

Mrs. Smith asked unanimous consent to replace her pending amendment, AM1454, found in the Journal on page 1875, with a substitute amendment, AM1649, found in the Journal on page 2038. No objections. So ordered.

Mrs. Smith withdrew her pending amendment, AM1454, found in the Journal on page 1875.

Mrs. Langford 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. Smith requested a roll call vote on her motion to return.

Voting in the affirmative, 18:

Coordsen	Hefner	Langford	Schellpeper	Smith
Dierks	Johnson, L.	Nelson	Schmit	Warner
Elmer	Korshoj	Peterson	Scofield	Wehrbein
Haberman	Lamb	Robak		

Voting in the negative, 24:

Abboud	Beyer	Goodrich	Kristensen	Schimek
Ashford	Byars	Hall	Landis	Weihing
Baack	Chizek	Hannibal	Lindsay	Wesely
Beck	Conway	Hartnett	Lynch	Withem
Bernard-Stevens	Crosby	Johnson, R.	Morrissey	

Present and not voting, 5:

Barrett	Chambers	Labedz	Moore	Pirsch

Excused and not voting, 2:

McFarland Rogers

The Smith motion to return lost with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

WITHDRAW - Amendment to LB 89

Mr. McFarland withdrew his pending amendment, AM1535, found in the Journal on page 1901, to LB 89.

MOTION - Return LB 89 to Select File

Mr. Moore moved to return LB 89 to Select File for his specific amendment, AM1775, found in the Journal on page 2269.

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.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Moore requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Abboud	Elmer	Korshoj	Nelson	Scofield
Barrett	Haberman	Lamb	Peterson	Smith
Beck	Hannibal	Langford	Pirsch	Warner
Coordsen	Hefner	Moore	Robak	Wehrbein
Dierks	Johnson, L.	Morrissey	Schellpeper	Weihing

Voting in the negative, 20:

Ashford	Byars	Goodrich	Kristensen	Schimek
Baack	Chizek	Hall	Landis	Schmit
Bernard-Stevens	Conway	Hartnett	Lindsay	Wesely
Beyer	Crosby	Johnson, R.	Lynch	Withem

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Labedz McFarland Rogers

The Moore motion to return prevailed with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 89. The Moore specific amendment, AM1775, found in the Journal on page 2269, was considered.

Mrs. Langford 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 Moore amendment was adopted with 26 ayes, 19 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LAMB PRESIDING

MOTION - Return LB 89 to Select File

Mrs. Nelson moved to return LB 89 to Select File for the specific amendment, AM1832, found in the Journal on page 2359.

Messrs. Schmit, Ashford, McFarland, Chambers, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

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.

The Nelson motion to return lost with 14 ayes, 24 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Moore moved to return LB 89 to Select File for the following specific amendment:
FA289
on page 5 Final Reading Copy
Strike language beginning with "used" in line 13 through "are" in line 14

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore withdrew his pending motion to return.

UNANIMOUS CONSENT - Expedite LB 89

Mr. Lynch asked unanimous consent to expedite LB 89. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 761A in the Journal. No objections. So ordered.

AM1946

(Amendments to the Final Reading copy)

1. Strike the original section 1 and insert the following new sections:

"Section 1. The State Treasurer is hereby directed to transfer (1) $146,250 from the Low-Level Radioactive Waste Cash Fund to the University of Nebraska Institute of Agriculture and Natural Resources for the period of July 1, 1989, to June 30, 1990, and (2) $72,760 from the Low-Level Radioactive Waste Cash Fund to the University of Nebraska, for Institute of Agriculture and Natural Resources, for the period of July 1, 1990, to June 30, 1991, to the University of Nebraska, for Program 799, to aid in carrying out Legislative Bill 761, Ninety-first Legislature, First Session, 1989. Any unexpended balance at the end of fiscal years 1989-90 and 1990-91 shall be returned to the Low-Level Radioactive Waste Cash Fund.

Sec. 2. It is the intent of the Legislature that there will be a memorandum of understanding between the Department of Environmental Control and the University of Nebraska Institute of Agriculture and Natural Resources regarding how the university shall account to the department for the expenditures.

Sec. 3. It is the intent of the Legislature that the University of Nebraska Conservation and Survey Division shall utilize funds transferred from the Low-Level Radioactive Waste Cash Fund to provide services to local monitoring committees for both preoperational and postoperational monitoring, testing, and other services required in Legislative Bill 761,

Ninety-first Legislature, First Session, 1989.".

2. On page 1, line 4, after the semicolon, insert "to state intent;".

3. Renumber the remaining section accordingly.

Mr. Chizek asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1903

1. Insert the following new section:

"Sec. 8. Any health care program administered by the State of Nebraska which (1) provides payment for pharmacy services, (2) proposes to offer a pharmacy benefit, or (3) proposes to change the manner of payment for pharmacy services when performed by one or more pharmacy providers who are selected by the program administrator shall provide written notice of any intention to contract or change the manner of payment for pharmacy services to all pharmacy providers in the area serviced by the program. The notice shall inform all the pharmacy providers in the service area of the program administrator's intent to contract or intent to change the manner of payment for pharmacy services and shall give those providers, for a period of sixty days from the date of the notice, an opportunity to accept the offer to participate in the program's panel of providers on the terms proposed.

In the event a pharmacy provider does not elect to become a participating provider but gives written notice during the sixty-day period to the program administrator of its desire to provide program recipients in the service area with access to pharmacy services as a nonparticipating provider, the program administrator may pay the nonparticipating provider an amount equal to the payment made to participating providers for comparable pharmacy services. A program recipient who chooses to obtain services from a nonparticipating provider shall be obligated to pay the difference between the nonparticipating provider's charge and the amount payable by the program administrator.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 228.

Correctly Engrossed

The following bills were correctly engrossed: 137, 137A, 211, 215, 289, 289A, 352, 639, 651, 651A, 761A, 762A, 815A, and 817A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 289

The following changes, required to be reported for publication in the Journal, have been made:
ER6212

1. In the Schmit amendment, AM1757:

a. On page 6, line 11, "and" has been inserted after the comma;

b. On page 10, line 20, "Less than" has been struck and "Up to" inserted;

c. On page 12, line 11, an underscored comma has been inserted after "sale";

d. On page 13, line 8, "pursuant to this section" has been inserted after "collected"; and in line 17 "fee" has been struck and "amount deducted and withheld for costs" inserted;

e. On page 15, lines 8 and 9, "the effective date of this act" has been struck and "July 17, 1986" inserted;

f. On page 17, line 3, "purpose" has been struck and "purposes" inserted; and

g. On page 22, line 8, the stricken comma has been reinstated.

2. On page 1, line 2, "section" has been struck and "sections 81-15,117, 81-15,119, and" inserted; in line 4 "to redefine a term; to provide for rules and regulations;" has been inserted after the first semicolon; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Changes to LB 651

The following changes, required to be reported for publication in the Journal, have been made:
ER6210

1. In the Hall et al. amendment, AM1910:

a. The following new section has been inserted:

"Sec. 17. That section 85-902.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-902.01. Commission members who are representatives of independent colleges or proprietary schools shall not vote on any program review decisions pursuant to sections 85-9,103 to 85-9,109. Commission members who are representatives of postsecondary education institutions shall not vote on scholarship awards pursuant to ~~sections 85-980 to 85-9,102~~ the State Scholarship Award Program Act or any financial aid program for postsecondary students. A majority of commission members from the general public must be present to constitute a quorum whenever institutional representatives are disqualified from voting.";

b. On page 5, line 2, "grants or" has been struck; and in line 6 "at" has been struck;

c. On page 6, lines 4, 7, and 19, "participating" has been struck;

d. On page 7, line 6, "17, 21, and 30" has been struck and "18, 22, and 31" inserted;

e. On page 9, line 11, "grants or" has been struck;

f. On page 10, line 6, "Grant" has been inserted after "Pell";

g. On page 12, line 15, "an" has been inserted after "to" and "students shall be" has been struck and "student is" inserted;

h. On page 13, line 15, the comma has been struck and shown as stricken;

i. On page 14, line 11, the stricken matter has been reinstated; and in line 24 "postsecondary educational" has been inserted before "institution";

j. On page 15, line 2, "eligible" has been struck and shown as stricken;

k. On page 15, line 22; page 16, line 1; and page 17, line 4, "grants" has been struck, shown as stricken, and "awards" inserted;

l. On page 16, line 11, "who" has been struck, shown as stricken, and "which" inserted; and in line 12 "postsecondary educational" has been inserted after "eligible";

m. On page 17, line 5, the first comma has been struck and shown as stricken and an underscored comma has been inserted after "or"; in line 6 "a grant" has been struck, shown as stricken, and "an award" inserted; and in line 17 "Sections" has been struck and "That original sections 85-902.01," inserted; and

n. The remaining sections have been renumbered accordingly.

2. On page 1, lines 2 to 5 have been struck and "sections 85-902.01, 85-981, 85-982, 85-990, 85-994, 85-995, 85-996, 85-997, 85-998, 85-999, 85-9,101, and 85-9,102, Reissue Revised Statutes of Nebraska, 1943; to adopt the Scholarship Assistance Program Act and the State Scholarship Award Program Act; to redefine a term; to

change provisions relating to certain awards; to provide requirements relating to appropriations; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Changes to LB 651A

The following changes, required to be reported for publication in the Journal, have been made:
ER6209

1. In the Warner et al. amendment, AM1911, on page 2, line 1, "Laws 1989, LB813," has been struck; and in line 2 "Legislative Bill 813, Ninety-first Legislature, First Session, 1989," has been inserted after the comma.

2. On page 1, line 4, "; to eliminate an appropriation; and to repeal subsection (2) of section 50, Legislative Bill 813, Ninety-first Legislature, First Session, 1989" has been inserted after "1989".

(Signed) Mary E. Sommermeyer
E & R Attorney

WITHDRAW - Amendment to LB 132

Mr. Schmit withdrew his pending amendment, AM1168, printed separately from the Journal and referred to on page 2104, to LB 132.

VISITORS

Visitors to the Chamber were Carl and Iona Taylor from Lincoln; Pastor Murdock and members of First Baptist Church from Kearney; 60 fourth grade students and teacher from Hickory Hill Elementary School, Papillion; Red and Marti Thibault from Omaha and Egberth and Edith Stratbucker from Nottuln, West Germany; 40 fourth grade students from Wisner-Pilger; 22 Japanese college students and sponsor from Kyotat Academy of International Culture; 25 fourth grade students and teacher from Lincoln Elementary School, Grand Island; 28 kindergarten through eighth grade students and teacher from Boone; and Jerry Tagge from Omaha.

MOTION - Adjournment

Mr. Schellpeper moved to adjourn until 8:00 a.m., Friday, May 19, 1989. The motion prevailed with 20 ayes, 16 nays, 6 present and not voting, and 7 excused and not voting, and at 8:46 p.m., the Legislature adjourned until 8:00 a.m., Friday, May 19, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 19, 1989

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH DAY - MAY 19, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 19, 1989

Pursuant to adjournment, the Legislature met at 8:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Larry Meyer, Lutheran Campus Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chizek, Conway, Coordsen, Hall, R. Johnson, Morrissey, Schmit, Wesely, Mmes. Beck, Labedz, Pirsch, and Robak who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 2548, line 6, on LB 228 strike "engrossed" and insert "re-engrossed".
The Journal for the Eighty-Sixth Day was approved as corrected.

SPEAKER BARRETT PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 89.

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 221. Introduced by Wesely, 26th District; Smith, 33rd District; Baack, 47th District; Nelson, 35th District; Schmit, 23rd District.

WHEREAS, there are ammunition facilities in Nebraska which were operated and owned by the federal government, including the Army Ammunition Plant near Mead, the Cornhusker Army Ammunition Plant near Grand Island, the Naval Ammunition Depot near Hastings, and the Sioux Army Ordnance Depot near Sidney; and

WHEREAS, the past activities of the federal government relating to munitions production which were routine at the time may have caused contamination of the soil and ground water of Nebraska as shown by the presence of explosive compounds and organic solvents in the ground water and soil near the Mead, Grand Island, and Hastings facilities and the potential presence of unexploded ordnance near Sidney; and

WHEREAS, the Legislature has an interest in the public health of its citizens and the environment of the state and supports the preservation of the Nebraska ground water as a natural resource for drinking water and other beneficial uses; and

WHEREAS, the federal government, through the efforts of the Nebraska Congressional delegation and the Environmental Protection Agency, the Army Corps of Engineers, and the Department of Defense has responded by performing confirmation and follow-up investigations to assess the environmental contamination and public health impacts near the Mead facility, installation of an alternate water supply for affected citizens, incineration of soil contaminated with explosives for the Cornhusker Plant near Grand Island, remedial investigation of the Naval Ammunition Depot near Hastings, and inventory investigation at the Sioux Army Ordnance Depot near Sidney; and

WHEREAS, the Legislature recognizes that cleanup of contaminated ammunition facilities requires complicated and costly activities, including defining the problem and its solution; and

WHEREAS, the federal government must address ground water cleanup at the Mead, Hastings, and Grand Island facilities and ordinance removal and remedial investigation at the Sidney facility.

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

1. That the Legislature continues to support the protection of public health and supports the cleanup of contamination which has occurred at the ammunition facilities in Nebraska.

2. That the Legislature supports the efforts of the Nebraska Congressional delegation to have the federal government perform its cleanup activities in a timely manner.

3. That the Legislature urges the Environmental Protection Agency, the Army Corps of Engineers, and the Department of Defense to continue the cleanup process at Mead by performing a remedial investigation and feasibility study, continuing the investigation at Hastings and Grand Island, and initiating a confirmation study and ordnance removal at Sidney.

4. That the Clerk of the Legislature send a copy of this resolution to each member of the Nebraska Congressional delegation, to the Regional Administrator of the Environmental Protection Agency, to the Army Corps of Engineer in Kansas City, Missouri, and to the Assistant Secretary of Defense.

Laid over.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Section 7(b) to permit final reading of budget bills.

The Warner motion to suspend the rules prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 813. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for

the biennium ending June 30, 1991; to provide an operative date; to repeal Laws 1988, LB 229A, Laws 1988, LB 305A, Laws 1988, LB 350A, Laws 1988, LB 372A, Laws 1988, LB 383A, Laws 1988, LB 419A, Laws 1988, LB 518A, Laws 1988, LB 551A, Laws 1988, LB 557A, Laws 1988, LB 664A, Laws 1988, LB 673A, Laws 1988, LB 716, section 8, Laws 1988, LB 766A, Laws 1988, LB 836A, Laws 1988, LB 838A, Laws 1988, LB 863A, Laws 1988, LB 868A, Laws 1988, LB 940A, Laws 1988, LB 963A, Laws 1988, LB 987A, Laws 1988, LB 1012A, Laws 1988, LB 1013A, Laws 1988, LB 1039A, Laws 1988, LB 1100A, Laws 1988, LB 1105A, Laws 1988, LB 1117A, Laws 1988, LB 1160, Laws 1988, LB 1207A, and Laws 1988, LB 1234, section 10; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Ashford	Coordsen	Johnson, L.	Moore	Schmit
Baack	Crosby	Johnson, R.	Morrissey	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
Beyer	Goodrich	Labedz	Pirsch	Wehrbein
Chambers	Haberman	Lamb	Robak	Weihing
Chizek	Hannibal	Lindsay	Rogers	Wesely
Conway	Hartnett	Lynch	Schellpeper	Withem
	Hefner	McFarland	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Byars	Hall	Langford

Excused and not voting, 3:

Abboud	Beck	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.

MOTION - Return LB 814 to Select File

Mr. Chambers moved to return LB 814 to Select File for his specific amendment, FA275, found in the Journal on page 2444.

Mr. Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 814. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to require a program statement; to provide for a study of prison population issues; to provide funding for project grants; to provide for negotiations for the acquisition of certain land; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1987, LB 781, Laws 1987, LB 784, and Laws 1988, LB 1041; 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, 36:

Ashford	Coordsen	Johnson, L.	Nelson	Scofield
Barrett	Crosby	Kristensen	Pirsch	Smith
Beck	Dierks	Labedz	Robak	Warner
Bernard-Stevens	Elmer	Landis	Rogers	Wehrbein
Byars	Goodrich	Langford	Schellpeper	Weihing
Chizek	Haberman	McFarland	Schimek	Wesely
Conway	Hannibal	Moore	Schmit	Withem
	Hefner			

Voting in the negative, 12:

Abboud	Chambers	Korshoj	Lindsay	Morrissey
Baack	Hall	Lamb	Lynch	Peterson
Beyer	Johnson, R.			

Present and not voting, 1:

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.

LEGISLATIVE BILL 301. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1990, and June 30, 1991; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hefner	McFarland	Schimek
Ashford	Conway	Johnson, L.	Moore	Schmit
Baack	Coordsen	Johnson, R.	Morrissey	Scofield
Barrett	Crosby	Kristensen	Nelson	Smith
Beck	Dierks	Labedz	Peterson	Warner
Bernard-Stevens	Elmer	Lamb	Pirsch	Wehrbein
Beyer	Goodrich	Landis	Robak	Weihing
Byars	Haberman	Langford	Rogers	Wesely
Chambers	Hall	Lindsay	Schellpeper	Withem
	Hannibal	Lynch		

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Korshoj

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 302. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for the fiscal years ending June 30, 1990, and June 30, 1991; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hartnett	McFarland	Schimek
Ashford	Conway	Hefner	Moore	Schmit
Baack	Coordsen	Johnson, L.	Morrissey	Scofield
Barrett	Crosby	Johnson, R.	Nelson	Smith
Beck	Dierks	Kristensen	Peterson	Warner
Bernard-Stevens	Elmer	Lamb	Pirsch	Wehrbein
	Goodrich	Landis	Robak	Weihing
Beyer	Haberman	Langford	Rogers	Wesely
Byars	Hall	Lindsay	Schellpeper	Withem
Chambers	Hannibal	Lynch		

Voting in the negative, 1:

Korshoj

Present and not voting, 1:

Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 308. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1987, LB 781, section 29, Laws 1988, LB 1040A, section 34, and Laws 1988, LB 1041, sections 12, 17, 35, 47, 70, and 81; to make deficit appropriations; to make, change, and eliminate appropriations; to define terms; to state intent; to repeal the original sections, and also Laws 1987, LB 781, section 28; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hartnett	Lindsay	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Labedz	Robak	Weihing
Byars	Haberman	Lamb	Rogers	Wesely
Chambers	Hall	Landis	Scheilpeper	Withem
	Hannibal	Langford		

Voting in the negative, 1:

Pirsch

Present 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 309. With Emergency.

A BILL FOR AN ACT relating to public employment and service; to amend section 14-1803, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1988; to change the compensation limitation for board members of metropolitan transit authorities; to provide powers for the Director of Personnel; to change provisions relating to terms and conditions of employment of public employees as prescribed; to eliminate provisions relating to salary increases as prescribed; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections, and also sections 81-1341.01 and 81-1341.03, Revised Statutes Supplement, 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, 47:

Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Schmit
Barrett	Crosby	Johnson, R.	Morrissey	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
Beyer	Goodrich	Labedz	Pirsch	Wehrbein
Byars	Haberman	Lamb	Robak	Weihing
Chambers	Hall	Landis	Rogers	Wesely
Chizek	Hannibal	Langford	Schellpeper	Withem
	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 2:

Abboud Lindsay

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. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 309A. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; 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, 45:

Abboud	Baack	Beck	Bernard-Stevens	Byars
Ashford	Barrett			Chizek

Conway	Hannibal	Landis	Peterson	Scofield
Coordsen	Hartnett	Langford	Pirsch	Smith
Crosby	Hefner	Lynch	Robak	Warner
Dierks	Johnson, L.	McFarland	Rogers	Wehrbein
Elmer	Korshoj	Moore	Schellpeper	Weihing
Goodrich	Kristensen	Morrissey	Schimek	Wesely
Haberman	Labedz	Nelson	Schmit	Withem
Hall	Lamb			

Voting in the negative, 0.

Present and not voting, 3:

Beyer	Chambers	Johnson, R.

Excused and not voting, 1:

Lindsay

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 469. With Emergency.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 68-613, Reissue Revised Statutes of Nebraska, 1943; to create a fund; to provide for credits to and withdrawals from the fund; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Bernard-	Byars	Conway
Ashford	Beck	Stevens	Chambers	Coordsen
Baack		Beyer	Chizek	Crosby

Dierks	Hefner	Langford	Pirsch	Smith
Elmer	Johnson, L.	Lynch	Robak	Warner
Goodrich	Korshoj	McFarland	Rogers	Wehrbein
Haberman	Kristensen	Moore	Schellpeper	Weihing
Hall	Labedz	Morrissey	Schimek	Wesely
Hannibal	Lamb	Nelson	Scofield	Withem
Hartnett	Landis	Peterson		

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Lindsay 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 727.

A BILL FOR AN ACT relating to the severance tax; to amend sections 19-4617, 57-705, 81-1633, and 81-1634, Reissue Revised Statutes of Nebraska, 1943; to authorize transfers from the Severance Tax Fund; to create a fund; to require the State Energy Office to prepare a report; to provide powers and duties for the Appropriations Committee of the Legislature; to change provisions relating to the School Weatherization Fund; to provide continuation funding for administrative expenses 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, 41:

Abboud	Bernard-Stevens	Chizek	Dierks	Hall
Barrett	Beyer	Conway	Elmer	Hannibal
Beck	Byars	Coordsen	Goodrich	Hefner
		Crosby	Haberman	Johnson, L.

Korshoj	Langford	Nelson	Schellpeper	Warner
Kristensen	Lynch	Peterson	Schimek	Wehrbein
Labedz	McFarland	Pirsch	Scofield	Weihing
Lamb	Moore	Robak	Smith	Wesely
Landis	Morrissey	Rogers		

Voting in the negative, 5:

Ashford	Baack	Chambers	Hartnett	Withem

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Lindsay Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to education and job training; to amend section 48-621, Reissue Revised Statutes of Nebraska, 1943; to create funds; to create a committee; to authorize the transfer and use of certain funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Baack	Conway	Hefner	McFarland	Schellpeper
Barrett	Coordsen	Johnson, L.	Moore	Schimek
Beck	Crosby	Kristensen	Nelson	Scofield
Bernard-Stevens	Elmer	Lamb	Peterson	Smith
	Goodrich	Landis	Pirsch	Warner
Beyer	Haberman	Langford	Robak	Wehrbein
Byars	Hannibal	Lynch	Rogers	Weihing

Withem

Voting in the negative, 9:

Abboud	Chambers	Hall	Korshoj	Wesely
Ashford	Chizek	Hartnett	Morrissey	

Present and not voting, 2:

Dierks Johnson, R.

Excused and not voting, 3:

Labedz Lindsay Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 310 to Select File

Mr. Moore moved to return LB 310 to Select File for the following specific amendment:
FA290
on page 2 strike lines 20 through 25
on page 3 strike lines 1 through 4

Mr. Moore withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 310. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Revised Statutes Supplement, 1988; to provide for transfers of funds as prescribed; to eliminate obsolete language; to eliminate requirements for reversing transfers 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	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Crosby	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	Withem

Voting in the negative, 1:

Moore

Present and not voting, 2:

Dierks Johnson, R.

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 816.

A BILL FOR AN ACT relating to storage tanks; to amend sections 81-15,120, 81-15,121, and 81-15,123, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of and permit requirements for such tanks; to provide fees; to create a fund; 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, 46:

Abboud	Chizek	Hefner	Lynch	Schellpeper
Ashford	Conway	Johnson, L.	McFarland	Schimek
Baack	Coordsen	Korshoj	Moore	Scofield
Barrett	Crosby	Kristensen	Morrissey	Smith
Beck	Elmer	Labedz	Nelson	Warner
Bernard-Stevens	Goodrich	Lamb	Peterson	Wehrbein
	Haberman	Landis	Pirsch	Weihing
Beyer	Hall	Langford	Robak	Wesely
Byars	Hannibal	Lindsay	Rogers	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Dierks Johnson, R.

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 816A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Byars	Haberman	Labedz	Morrissey
Ashford	Chambers	Hall	Lamb	Nelson
Baack	Chizek	Hannibal	Landis	Peterson
Barrett	Conway	Hartnett	Langford	Pirsch
Beck	Coordsen	Hefner	Lindsay	Robak
Bernard-Stevens	Crosby	Johnson, L.	Lynch	Rogers
	Elmer	Korshoj	McFarland	Schellpeper
Beyer	Goodrich	Kristensen	Moore	Schimek

Scofield Warner Weihing Wesely Withem
Smith Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Dierks Johnson, R.

Excused and not voting, 1:

Schmit

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: 813, 814, 301, 302, 308, 309, 309A, 469, 727, 305, 310, 816, and 816A.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 813.

(Signed) Sharon K. Beck

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 258, 355, 355A, and 588.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 258

The following changes, required to be reported for publication in the Journal, have been made:
ER6214

1. On page 1, line 8 has been struck and "the payment of credits and refunds as prescribed" inserted; and in line 9 "General Fund" has been struck.

Enrollment and Review Changes to LB 355

The following changes, required to be reported for publication in the Journal, have been made:
ER6215

1. On page 10, line 2, "they" has been struck and "such courses" inserted.

2. On page 11, line 10; and page 12, line 6, "sections 1 to 17 of" has been inserted after "of".

Enrollment and Review Change to LB 588

The following changes, required to be reported for publication in the Journal, have been made:
ER6216

1. In the E & R amendments, AM7067, on page 9, line 19, the comma has been struck and shown as stricken and "(a)" has been struck and "(i)" inserted; and in line 22 "(b)" has been struck and "(ii)" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 18, 1989. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Carole, Jeanene - Lincoln (Withdrawn 89/05/12)
Noren, Charles - Lincoln
Adams, Donald D. (Withdrawn 89/05/12)
Tenopir, Ken (Withdrawn 89/05/01)

SELECT FILE

LEGISLATIVE BILL 279. The pending Withem amendment, FA140, found in the Journal on page 1500, to the pending Landis-Wesely-Hartnett amendment, FA139, was withdrawn.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The pending Landis-Wesely-Hartnett amendment, FA139, found in the Journal on page 1498, was renewed.

The pending Landis-Wesely-Hartnett amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Wesely, Landis, and Hartnett withdrew their pending amendment, AM1109, printed separately from the Journal and referred to on page 1396.

Mr. Chizek withdrew his pending amendments, AM1180, found in the Journal on page 1462, AM1179, printed separately from the Journal and referred to on page 1463, and FA169, found in the Journal on page 1750.

Messrs. Chizek and Wesely renewed their pending amendment, AM1439, found in the Journal on page 1800.

The Chizek-Wesely amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Landis withdrew his pending amendment, AM1544, printed separately from the Journal and referred to on page 1912.

PRESIDENT NICHOL PRESIDING

Mr. Haberman renewed his pending amendment, AM1008, found in the Journal on page 2289.

Mr. Hartnett requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

Mr. Hartnett withdrew his request for a ruling.

Mr. Abboud requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment is germane to the bill.

The Haberman amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Mr. Chizek renewed his pending amendment, AM1903, found in the Journal on page 2547.

Mr. Chizek offered the following amendment to his pending amendment:
FA291
amend the Chizek amendment, AM1903, by striking the words "A program" on pg 2, line 6 through the word "administrator" on line 11.
And on Page 1 line 3 strike "State of Nebraska" and insert "Nebraska Medical Assistance Program."

The Chizek amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

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.

The pending Chizek amendment, as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 706. E & R amendments, AM7009, found in the Journal on page 1440 for the Fifty-Seventh Day, were adopted.

Mr. Wesely withdrew his pending amendment, AM1315, found in the Journal on page 1566.

Mr. Wesely renewed his pending amendment, AM1840, found in the Journal on page 2373.

The Wesely 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 75. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 695. E & R amendments, AM7021, found in the Journal on page 1489 for the Fifty-Eighth Day, were adopted.

Mr. Lamb withdrew his pending amendment, AM1163, found in the Journal on page 1557.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 213. E & R amendments, AM7028, found in the Journal on page 1535 for the Sixtieth Day, were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 566. E & R amendment, AM7034, found in the Journal on page 1539 for the Sixtieth Day, was adopted.

Mr. Lindsay withdrew his pending amendment, AM1167, found in the Journal on page 1483.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 272A. Messrs. Landis, Chambers, McFarland, Warner, Wesely, Hall, Lynch, Mmes. Labedz, Crosby, and Ms. Schimek renewed their pending amendment, AM1935, found in the Journal on page 2537.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich offered the following amendment to the pending Landis et al. amendment:
AM1953

(Amendments to AM1935)

1. On page 1, strike lines 4 through 6; in line 7 strike "(2)" and insert "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "an industrial" and insert "a protected"; in line 11 strike

"a protected" and insert "such"; strike beginning with "or" in line 13 through the second "receivership" in line 14; in line 15 strike "(4)" and insert "(3)"; in line 16 strike "(5)" and insert "(4)"; and in line 18 strike "(6)" and insert "(5)".

2. On page 2, line 2, strike "(7)" and insert "(6)"; and in line 6 strike "(8)" and insert "(7)".

3. On page 7, line 3, strike "or receivers of companies in receivership"; and in line 22 strike "and receivers".

4. On page 8, lines 3 and 4, strike "and receivers"; and in line 19 strike "or receivers".

Mr. Lamb requested a ruling of the Chair on whether the Landis et al. amendment is germane to the bill.

The Chair ruled the Lamb request was not timely as the pending question was the Goodrich amendment to the Landis et al. amendment.

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?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Abboud	Beck	Goodrich	Langford	Schellpeper
Barrett	Elmer	Hartnett		

Voting in the negative, 30:

Ashford	Chambers	Conway	Crosby	Hall
Baack	Chizek	Coordsen	Dierks	Hannibal

Hefner	Labedz	McFarland	Pirsch	Smith
Johnson, L.	Lamb	Moore	Robak	Warner
Johnson, R.	Landis	Morrissey	Schimek	Wehrbein
Kristensen	Lynch	Nelson	Scofield	Wesely

Present and not voting, 5:

Bernard-Stevens	Beyer	Byars	Lindsay	Weihing

Excused and not voting, 6:

Haberman	Peterson	Rogers	Schmit	Withem
Korshoj				

The Goodrich amendment lost with 8 ayes, 30 nays, 5 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 706. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1989, at 10:45 a.m., were the following bills: 813, 814, 301, 302, 308, 309, 309A, 469, 727, 305, 310, 816, and 816A.

(Signed) Randy Tippin, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 19, 1989

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 429 was received in my office on May 17, 1989.

This bill was signed by me on May 19, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 377.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 377

The following changes, required to be reported for publication in the Journal, have been made:
ER6213

1. In the R. Johnson-Weihing-Kristensen-Lynch amendment, AM1937:

a. On page 6, line 8, an underscored colon has been inserted after "Treasurer"; in line 17 an underscored semicolon has been inserted after "Administration"; and

(b) On page 7, line 3, the first comma has been struck and an underscored semicolon has been inserted.

2. On page 1, line 1, "the rule against perpetuities;" has been struck and "property; to amend sections 15-847, 16-715, 72-1268.04, 77-2306, 77-2344, and 77-2355, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2320, 77-2326.04, and 77-2352, Revised Statutes Supplement, 1988;" has been inserted; and in line 3 "; to provide for additional security to be deposited or pledged in lieu of bond by certain banks and savings and loan associations as prescribed; and to repeal the original sections" has been inserted after "Act".

3. On page 4, line 19, "of this act" has been inserted after "2".

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 90 eighth grade students and teachers from Marrs Junior High School, Omaha; 24 fourth grade students and teacher from Wayne Elementary School, Wayne; Duane, Brenda, Matthew, Katie, Mark, and Peter Oquist from Stromsburg; and 50 fourth grade students and teacher from Harrison Elementary School, Omaha.

RECESS

At 11:56 a.m., on a motion by Mr. Conway, 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. Abboud, Ashford, Hall, R. Johnson, Peterson, Schmit, Mmes. Labedz, Langford, Robak, and Smith who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 75, 213, 272, and 695.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 213

The following changes, required to be reported for publication in the Journal, have been made:
ER6219

1. On page 7, line 12, "was" has been struck and "is" has been inserted.

Enrollment and Review Changes to LB 272

The following changes, required to be reported for publication in the Journal, have been made:
ER6211

1. In the E & R amendment, AM7081, on page 2, line 1, "to provide penalties;" has been inserted after the semicolon; and in lines 1 and 2 "an operative date" has been struck and "operative dates" inserted.

2. In the Landis amendment, AM1174:

a. On page 1, line 3, "22" and all amendments thereto have been struck and "24" inserted;

b. On page 2, line 14, "which" has been struck and "who" inserted; and

c. On page 6, line 23; and page 7, line 8, "director" has been struck and "department" inserted.

3. On page 1, line 1, "interest, loans, and debt" has been struck and "banking" inserted; and in line 3 ", and section 8-157, Revised Statutes Supplement, 1988; to authorize acquisition of detached auxiliary offices of banks as prescribed" has been inserted after "1943".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 525. Mr. Withem renewed his pending amendment, FA284, found in the Journal on page 2497.

Mr. Withem asked unanimous consent to replace his pending amendment, FA284, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his pending amendment, FA284, found in the Journal on page 2497.

Messrs. Withem and Kristensen offered the following substitute amendment:
AM1956

1. Strike the Kristensen amendment, AM1894, and all amendments thereto.

2. Insert the following new section:

"Sec. 6. There is hereby appropriated

$9,000,000 from the General Fund for the period July 1, 1989, to June 30, 1990, and $9,000,000 from the General Fund for the period July 1, 1990, to June 30, 1991, to the School Foundation and Equalization Fund, for state aid to education. The School Foundation and Equalization Fund is hereby appropriated for such purpose. Of such appropriations not more than seventy-two percent thereof may be used for funding the provisions of section 79-1334 for the period, and the remaining amount shall be used to fund the provisions of sections 79-1339 and 79-1340 for the period.".

3. Renumber the remaining section accordingly.

Mr. Bernard-Stevens 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. Withem moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Withem requested a roll call vote on the Withem-Kristensen amendment.

Voting in the affirmative, 27:

Ashford	Conway	Kristensen	Nelson	Warner
Baack	Crosby	Landis	Pirsch	Wehrbein
Beck	Goodrich	Langford	Robak	Weihing
Beyer	Hall	Lindsay	Schimek	Wesely
Chambers	Hannibal	Lynch	Scofield	Withem
Chizek	Hartnett			

Voting in the negative, 19:

Abboud	Byars	Haberman	Korshoj	Peterson
Barrett	Coordsen	Hefner	McFarland	Rogers
Bernard-Stevens	Dierks	Johnson, L.	Moore	Schellpeper
	Elmer	Johnson, R.	Morrissey	Smith

Excused and not voting, 3:

Labedz	Lamb	Schmit

The Withem-Kristensen amendment was adopted with 27 ayes, 19 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lynch moved to bracket LB 525 until January 3, 1990.

Mr. Lynch withdrew his pending motion to bracket.

Messrs. Ashford, Abboud, Mrs. Langford, and Ms. Schimek offered the following amendment:
AM1950

1. Insert the following new section:

"Sec. 6. There is hereby appropriated $299,841 from the General Fund for the period July 1, 1989, to June 30, 1990, and $299,841 from the General Fund for the period July 1, 1990, to June 30, 1991, to the Department of Correctional Services, for Program 360, to provide for staffing and operation of an additional cottage at the Youth Development Center at Kearney.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $184,391 for the period July 1, 1989, to June 30, 1990, or $184,391 for the period July 1, 1990, to June 30, 1991.".

2. Renumber remaining section accordingly.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Abboud moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

Mr. Ashford requested a roll call vote on the Ashford et al. amendment.

Voting in the affirmative, 16:

Abboud	Bernard-Stevens	Johnson, R.	Nelson	Scofield
Ashford	Elmer	Langford	Pirsch	Wesely
Barrett	Goodrich	Lynch	Robak	Withem
Beck				

Voting in the negative, 26:

Baack	Coordsen	Hefner	McFarland	Schellpeper
Beyer	Crosby	Johnson, L.	Moore	Schimek
Byars	Hall	Korshoj	Morrissey	Smith
Chambers	Hannibal	Kristensen	Peterson	Warner
Chizek	Hartnett	Landis	Rogers	Wehrbein
Conway				

Present and not voting, 2:

Dierks Weihing

Absent and not voting, 1:

Lindsay

Excused and not voting, 4:

Haberman Labedz Lamb Schmit

The Ashford et al. amendment lost with 16 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Beyer's birthday.

SELECT FILE

LEGISLATIVE BILL 525. Messrs. McFarland and Moore offered the following amendment:
FA292
to amend the Withem-Kristensen amendment, AM1956, by striking $9,000,000 and insert -0-, on lines 5 and 6

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.

The McFarland-Moore amendment lost with 8 ayes, 23 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 272A. The pending Landis et al. amendment, AM1935, found in the Journal on page 2537 and considered in this day's Journal, was renewed.

Mr. Lamb requested a ruling of the Chair on whether the Landis et al. amendment is germane to the bill.

The Chair ruled the Landis et al. amendment is not germane to the bill.

Mr. Landis moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1935 to LB 272A.

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.

Mr. Landis moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The Landis motion to suspend the rules prevailed with 34 ayes, 6 nays, and 9 present and not voting.

The Chair declared the call raised.

The pending Landis et al. amendment, AM1935, was considered.

Messrs. Haberman and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay offered the following amendment to the pending Landis et al. amendment:
AM1960

(Amendments to AM1935)

1. Strike original section 6 and insert the

following new section:

"Sec. 6. When payment has been offered to all depositors in the full amount of the thirty-thousand-dollar guaranty, then, but not before, the offer of such payment to each depositor shall (1) constitute a full satisfaction of the depositors' claims against the state based on the guaranty by the Nebraska Depository Institution Guaranty Corporation, including any claim for interest, and (2) constitute an assignment to the State of Nebraska, to the extent of the amount paid to the depositor, of any claim the depositor may have against any individual or entity for loss of deposits. For purposes of this act, the refusal to accept an offer of payment under this act shall be considered payment of the depositor's deposits.".

Mr. Hall 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 Lindsay amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

PRESIDENT NICHOL PRESIDING

Ms. Schimek 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. Landis moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Landis requested a roll call vote on the pending Landis et al. amendment, as amended.

Voting in the affirmative, 26:

Ashford	Dierks	Landis	Morrissey	Scofield
Byars	Hall	Lindsay	Nelson	Smith
Chambers	Johnson, L.	Lynch	Robak	Warner
Chizek	Johnson, R.	McFarland	Schimek	Wehrbein
Coordsen	Labedz	Moore	Schmit	Wesely
Crosby				

Voting in the negative, 15:

Abboud	Bernard-Stevens	Conway	Hannibal	Lamb
Barrett	Beyer	Elmer	Hartnett	Langford
Beck		Goodrich	Hefner	Pirsch
				Rogers

Present and not voting, 6:

Baack	Kristensen	Peterson	Weihing	Withem
Korshoj				

Excused and not voting, 2:

Haberman Schellpeper

The Landis et al. amendment, as amended, was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Lamb moved to bracket LB 272A until January 10, 1990.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 10 nays, and 25 not voting.

Mr. Lamb withdrew his pending motion to bracket.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a machine vote on the advancement of the bill.

Mr. Abboud requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Coordsen	Johnson, L.	Landis	Morrissey
Byars	Crosby	Johnson, R.	Lindsay	Nelson
Chambers	Dierks	Korshoj	Lynch	Robak
Chizek	Hall	Labedz	McFarland	Schimek

Schmit	Smith	Warner	Wehrbein	Wesely
Scofield				

Voting in the negative, 18:

Abboud	Bernard-Stevens	Goodrich	Kristensen	Pirsch
Barrett	Beyer	Hannibal	Lamb	Rogers
Beck	Elmer	Hartnett	Langford	Weihing
		Hefner	Peterson	Withem

Present and not voting, 3:

Baack	Conway	Moore

Excused and not voting, 2:

Haberman	Schellpeper

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 706.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 706

The following changes, required to be reported for publication in the Journal, have been made:
ER6217

1. In the Wesely amendment, AM1840, on page 2, line 23, "or" has been inserted before "land" and the third comma has been struck and shown as stricken.

2. On page 1, lines 1 and 2, "the Nebraska Investment Finance Authority Act" has been struck and "environmental hazards" inserted; in line 4 ", and section 79-4,207, Revised Statutes Supplement, 1988" has been inserted after "1943"; in line 6 "authority" has been struck and "Nebraska Investment Finance Authority" inserted; and in line 8 "to change provisions relating to a

tax levy for environmental hazard abatement projects; to authorize bonds or other evidences of indebtedness for the abatement of environmental hazards;" has been inserted after the second semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Messrs. Rogers, Hefner, Peterson, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 311 to Select File

Mr. Landis moved to return LB 311 to Select File for his specific amendment, AM1888, found in the Journal on page 2437.

The Landis motion to return prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Abboud, Withem, and Mrs. Beck asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311. The Landis specific amendment, AM1888, found in the Journal on page 2437, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 340 to Select File

Mr. Wehrbein moved to return LB 340 to Select File for the Wehrbein-R. Johnson specific amendment, AM1933, found in the Journal on page 2527.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein withdrew his pending motion to return.

MOTION - Return LB 357 to Select File

Mrs. Nelson moved to return LB 357 to Select File for the Nelson-Schellpeper specific amendment, AM1858, found in the Journal on page 2381.

The Nelson motion to return prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 357. The Nelson-Schellpeper specific amendment, AM1858, found in the Journal on page 2381, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 357A to Select File

Mrs. Nelson moved to return LB 357A to Select File for the Nelson-Schellpeper specific amendment, AM1172, found in the Journal on page 2376.

The Nelson motion to return prevailed with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 357A. The Nelson-Schellpeper specific amendment, AM1172, found in the Journal on page 1172, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 362 to Select File

Mr. Ashford moved to return LB 362 to Select File for his specific amendment, AM1785, found in the Journal on page 2482.

The Ashford motion to return prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 362. The Ashford specific amendment, AM1785, found in the Journal on page 2482, was withdrawn.

Readvanced to Final Reading.

MOTION - Return LB 362 to Select File

Mr. Wesely moved to return LB 362 to Select File for the following specific amendment:
AM1676

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. That section 68-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-128. From such funds as may be appropriated for such purpose, the Department of Social Services shall ~~match expenditures of county funds for~~ provide emergency assistance benefits on behalf of families who have children. ~~, under sections 68-103 to 68-115. In addition, the Department of Social Services shall allocate to counties for such emergency assistance purposes all funds which may be made available for such purpose by the government of the United States.~~

Sec. 8. That section 68-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-717. The Department of Social Services shall assume the sole responsibility for all public assistance, including aid to families with dependent children, emergency assistance, assistance to the aged, blind, or disabled, medically handicapped children's services, commodities, and food stamps. On and after July 1, 1986, the department shall also assume the sole responsibility for medical assistance.

Sec. 9. That section 68-1016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1016. The Director of Social Services

shall provide for granting an opportunity for a fair hearing before the Department of Social Services to any individual whose claim for assistance to the aged, blind, or disabled, aid to dependent children, emergency assistance, medical assistance, commodities, or food stamps; is denied, is not granted in full, or is not acted upon with reasonable promptness. An appeal shall be taken by filing with the director a written notice of appeal setting forth the facts on which the appeal is based. The director shall thereupon, in writing, notify the appellant of the time and place for hearing, which shall be not less than one week nor more than six weeks from the date of such notice. Hearings shall be before the director or his or her duly authorized agent. On the basis of evidence adduced, the director shall enter a final order on such appeal, which order shall be transmitted to the appellant.

Sec. 20. That original sections 68-128, 68-717, and 68-1016, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 1, strike "section" and insert "sections"; in line 2 after the first comma insert "68-128, 68-717, and 68-1016,".

3. On page 2, line 2, after the semicolon insert "to require the Department of Social Services to provide emergency assistance;".

4. On page 19, line 24, strike "15" and insert "18"; in line 25 after the period insert "Sections 4, 8, 9, 17, and 20 of this act shall become operative on their effective date.".

5. Renumber the remaining sections accordingly.

The Wesely motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 362. The Wesely specific amendment, AM1676, found in this day's Journal, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 362A to Select File

Mr. Wesely moved to return LB 362A to Select File for the following specific amendment:
AM1713

(Amendments to Final Reading copy)

1. On page 2, line 16, strike "$65,978" and insert "$325,978"; and in line 18 strike "$209,848" and insert "$469,848."

The Wesely motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 362A. The Wesely specific amendment, AM1713, found in this day's Journal, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 781 to Select File

Mrs. Smith moved to return LB 781 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1851.)

Messrs. Korshoj, Hall, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER BARRETT PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602, 39-668, 39-669.27, 39-669.28, 39-669.30, 39-669.34, 39-669.35, 39-669.37, 39-6,106.01, 39-6,122, 39-6,192, 60-305.09, 60-402, 60-403, 60-403.01, 60-403.03 to 60-403.05, 60-404, 60-405, 60-406, 60-406.01,

60-406.03, 60-406.04, 60-406.06, 60-406.08, 60-407, 60-408, 60-409, 60-409.05 to 60-409.11, 60-409.13 to 60-411, 60-412 to 60-427.01, 60-429, 60-430, 60-430.01, 60-430.05, 60-430.06, 60-557, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2131, 60-2132, 71-4804, 79-328, and 79-488.06, Reissue Revised Statutes of Nebraska, 1943, section 75-363, Revised Statutes Supplement, 1988, section 60-411.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 284, Ninety-first Legislature, First Session, 1989, section 60-2802, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 114, Ninety-first Legislature, First Session, 1989, section 3, Legislative Bill 25, Ninety-first Legislature, First Session, 1989, and section 6, Legislative Bill 284, Ninety-first Legislature, First Session, 1989; to reorganize the Motor Vehicle Operator's License Act; to define and redefine terms; to change the names of certain licenses and permits; to change, eliminate, and provide penalties; to change provisions relating to employment driving permits and proof of identification; to harmonize provisions with changes relating to state identification cards; to provide licensure, examination, and discipline of operators of commercial motor vehicles as prescribed; to adopt updated federal motor carrier safety regulations; to change provisions relating to licensure of operators of school vehicles; to provide fees; to provide notification requirements; to provide duties; to harmonize provisions; to eliminate existing definitions and licensure of operators of commercial motor vehicles; to provide operative dates; and to repeal the original sections, and also sections 39-6,113, 60-401, and 60-403.06 to 60-403.10, 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:

Ashford	Conway	Hartnett	McFarland	Schellpeper
Barrett	Coordsen	Hefner	Moore	Schimek
Beck	Crosby	Johnson, L.	Nelson	Smith
Bernard-Stevens	Dierks	Korshoj	Peterson	Wehrbein
	Elmer	Lamb	Pirsch	Weihing
Beyer	Goodrich	Langford	Robak	Wesely
Byars	Haberman	Lindsay	Rogers	Withem
Chizek	Hannibal			

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Baack	Landis	Schmit	Scofield	Warner
Kristensen	Morrissey			

Excused and not voting, 5:

Abboud	Hall	Johnson, R.	Labedz	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 285A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 285, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett	Conway	Hannibal	Lindsay	Schellpeper
Beck	Coordsen	Hartnett	McFarland	Schimek
Bernard-Stevens	Crosby	Hefner	Moore	Smith
	Dierks	Johnson, L.	Nelson	Wehrbein
Beyer	Elmer	Korshoj	Peterson	Weihing
Byars	Goodrich	Lamb	Robak	Wesely
Chizek	Haberman	Langford	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Baack	Chambers	Landis	Morrissey

Pirsch Schmit Scofield Warner

Excused and not voting, 6:

Abboud Johnson, R. Kristensen Labedz Lynch Hall

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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 311, 357, and 357A.

Correctly Engrossed

The following bills were correctly engrossed: 272A, 525, and 566.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 272A

The following changes, required to be reported for publication in the Journal, have been made:
ER6218

1. In the Landis et al. amendment, AM1935:

a. On page 7, line 1, "must" has been struck and "shall" inserted; and

b. On page 8, line 20, the first "of" has been struck and "from the" inserted.

2. On page 1, the matter beginning with "appropriations" in line 1 through line 4 has been struck and "industrial loan and investment companies; to define terms; to state intent and purpose; 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 provide an appropriation; and to declare an emergency." inserted.

Enrollment and Review Changes to LB 525

The following changes, required to be reported for publication in the Journal, have been made:
ER6222
1. In the Kristensen-Withem amendments, AM1956:
a. Section 6 has been renumbered as section 5; and
b. On page 1, lines 13 and 15, "respective" has been inserted before "period".
2. In the E & R amendment, AM7077, on page 1, line 6, "municipalities and" has been struck; and in line 7 "and to education" has been inserted after "counties".

Enrollment and Review Change to LB 566

The following changes, required to be reported for publication in the Journal, have been made:
ER6220
1. Section 1 has been correlated with section 2, Legislative Bill 714, Ninety-first Legislature, First Session, 1989, and section 1, Legislative Bill 793, Ninety-first Legislature, First Session, 1989, and the title and repealer changed accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Return LB 781 to Select File

Mrs. Smith renewed her pending motion, found in this day's Journal, to return LB 781 to Select File for her specific amendment, AM1851.

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 Smith motion to return prevailed with 28 ayes, 2 nays, 12 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: 285 and 285A.

SELECT FILE

LEGISLATIVE BILL 781. The Smith specific amendment, AM1851, on file and referred to in this day's Journal, was considered.

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.

Mr. Schmit requested a roll call vote on the Smith amendment.

Voting in the affirmative, 29:

Barrett	Crosby	Johnson, L.	Langford	Schellpeper
Beck	Dierks	Johnson, R.	Moore	Schimek
Bernard-Stevens	Elmer	Korshoj	Morrissey	Scofield
	Haberman	Kristensen	Nelson	Smith
Byars	Hartnett	Lamb	Peterson	Wehrbein
Chizek	Hefner	Landis	Pirsch	Wesely

Voting in the negative, 7:

Ashford	Chambers	Lindsay	Robak	Schmit
Baack	Goodrich			

Present and not voting, 7:

Beyer	Coordsen	McFarland	Weihing	Withem
Conway	Hannibal			

Absent and not voting, 1:

Warner

Excused and not voting, 5:

Abboud	Hall	Labedz	Lynch	Rogers

The Smith specific amendment was adopted with 29 ayes, 7 nays, 7 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Peterson requested a machine vote on the advancement of the bill.

Mrs. Nelson requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Beck	Dierks	Johnson, L.	Langford	Schellpeper
Bernard-Stevens	Elmer	Johnson, R.	Moore	Schimek
Byars	Haberman	Korshoj	Morrissey	Scofield
Coordsen	Hannibal	Kristensen	Nelson	Smith
Crosby	Hartnett	Lamb	Peterson	Wehrbein
	Hefner	Landis	Pirsch	Wesely

Voting in the negative, 7:

Baack	Conway	Lindsay	Robak	Schmit
Chambers	Goodrich			

Present and not voting, 8:

Ashford	Beyer	McFarland	Weihing	Withem
Barrett	Chizek	Warner		

Excused and not voting, 5:

Abboud	Hall	Labedz	Lynch	Rogers

Advanced to E & R for Re-Engrossment with 29 ayes, 7 nays, 8 present and not voting, and 5 excused and not voting.

MOTION - Return LB 781 to Select File

Mr. Lindsay moved to return LB 781 to Select File for the following specific amendment:
AM1952

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 11. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic ~~liquors~~ liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m. The local governing body of any city or village~~,~~ with respect to area within the corporate limits of such city

or village, or the county board, with respect to area outside the corporate limits of any city or village, may, by ordinance or resolution, require closing prior to 1:00 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area within the corporate limits of a city or village, or by resolution of a county board applicable to area within such county and outside the corporate limits of any city or village, no alcoholic ~~liquors~~ liquor, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic ~~liquors~~ liquor, other than beer and wine, to be sold at retail or dispensed for consumption off the premises between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. If approved by ordinance or resolution of a local governing body or county board, alcoholic liquor may be sold at retail for consumption on the premises between the hours of 12:00 noon on Sunday and 1:00 a.m. Monday. ~~, or for consumption on the premises between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday.~~ This subsection shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a license issued pursuant to either subdivision (5)C. or (5)H. of section 53-124.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 6:00 a.m. on any day. Where any city or village provides by ordinance, or any county provides by resolution, for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.".

2. Renumber the remaining sections and correct internal references accordingly.

3. On page 1, line 4; and page 44, line 22,

before "and" insert "53-179,".

4. On page 2, line 2, after the second semicolon insert "to change provisions for the sale of alcoholic liquor on Sunday as prescribed;".

Mr. Lindsay requested a record vote on his motion to return.

Voting in the affirmative, 22:

Ashford	Conway	Hartnett	Lynch	Schellpeper
Baack	Crosby	Johnson, R.	Morrissey	Schmit
Bernard-Stevens	Elmer	Kristensen	Pirsch	Scofield
	Goodrich	Landis	Robak	Withem
Chizek	Hannibal	Lindsay		

Voting in the negative, 21:

Barrett	Coordsen	Johnson, L.	Moore	Smith
Beck	Dierks	Lamb	Nelson	Wehrbein
Beyer	Haberman	Langford	Peterson	Weihing
Byars	Hefner	McFarland	Schimek	Wesely
Chambers				

Present and not voting, 2:

Korshoj Warner

Excused and not voting, 4:

Abboud Hall Labedz Rogers

The Lindsay motion to return lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

WITHDRAW - Amendment to LB 739

Mrs. Nelson withdrew her pending amendment, AM1871, found in the Journal on page 2419, to LB 739.

MOTION - Return LB 177 to Select File

Mr. McFarland moved to return LB 177 to Select File for the following specific amendment:
AM0291

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 6. There is hereby created the Protocol Office Cash Fund. The fund shall be administered by the Protocol Officer and shall contain such funds as the Legislature shall appropriate pursuant to section 5 of this act and any other funds as may be remitted to the State Treasurer for credit to the fund in the form of donations, gifts, bequests, grants, or other contributions to the fund from public or private sources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The McFarland motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 177. The McFarland specific amendment, AM0291, found in this day's Journal, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Korshoj requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 187A

Mr. Lynch withdrew his pending amendment, AM1890, found in the Journal on page 2494, to LB 187A.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 187A to Select File

Mr. Lynch moved to return LB 187A to Select File for the following specific amendment:
AM1934

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. That section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislature Bill 187, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

29-1004. The cost of keeping and maintaining any prisoner (1) prior to his or her conviction of an offense punishable by imprisonment in the Department of Correctional Services adult correctional facility, (2) either before or after his or her conviction of an offense not so punishable, or (3) when he or she has not been convicted of any offense shall be paid by the county in which the offense was committed or was alleged to have been committed. For purposes of this section, the cost of keeping and maintaining a prisoner (a) shall not include the cost of medical, surgical, psychiatric, and hospital services provided pursuant to sections 68-104 and 68-126 and sections 7 to 13 of this act ~~but~~ and (b) if Legislature Bill 44, Ninety-first Legislature, First Session, 1989, is not enacted into law, shall include the costs arising after a prisoner is determined to be mentally incompetent to stand trial.

Sec. 4. That section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 13. The state's liability for medical, surgical, psychiatric, and hospital services furnished under section 68-104 shall be limited to a maximum total payment per fiscal year of ~~twelve~~ seven million two hundred thousand dollars. Such liability shall be allocated on a quarterly basis for all claims received during the quarter for eligible recipients. The allocation may differ from quarter to quarter. If the expense of services exceeds the quarterly allocations, then the expenses shall be prorated among all the providers submitting claims during such quarter. If the quarterly allocation is not expended, the unexpended portion shall be carried over into the next quarter. For purposes of the payments required by this section,

sections 81-2403 and 81-2404 shall not apply.

Sec. 5. Sections 3, 4, and 6 of this act shall become operative on July 1, 1990, and the remaining sections of this act shall become operative on their effective date.

Sec. 6. That original section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislature Bill 187, Ninety-first Legislature, First Session, 1989, and section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, are repealed.".

2. On page 1, line 1, strike "appropriations" and insert "medical costs; to amend section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, and section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989; to change the responsibility of the counties regarding certain costs of prisoners; to change a limitation on the state's liability for certain services"; and in line 4 after "1989" insert "; to provide operative dates; and to repeal the original sections".

3. On page 2, line 2, strike "$512,364" and insert "$562,275"; in line 3 strike "$846,715" and insert "$1,191,880"; in line 11 strike "$57,387" and insert "$72,004"; in line 12 strike "$579,046" and insert "$845,904"; and in line 15 strike "$10,940,650" and insert "$7,200,000".

4. Add underscoring to sections 1 and 2.

Mr. Lynch requested a roll call vote on his motion to return.

Voting in the affirmative, 27:

Ashford	Byars	Goodrich	Lynch	Schellpeper
Baack	Chambers	Hartnett	McFarland	Schmit
Beck	Chizek	Korshoj	Morrissey	Weihing
Bernard-Stevens	Conway	Kristensen	Peterson	Wesely
Beyer	Crosby	Landis	Robak	Withem
	Dierks	Lindsay		

Voting in the negative, 13:

Barrett	Hannibal	Lamb	Pirsch	Warner
Coordsen	Hefner	Langford	Scofield	Wehrbein
Haberman	Johnson, L.	Moore		

Present and not voting, 4:

Elmer	Nelson	Schimek	Smith

Excused and not voting, 5:

Abboud	Hall	Johnson, R.	Labedz	Rogers

The Lynch motion to return prevailed with 27 ayes, 13 nays, 4 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 187A. The Lynch specific amendment, AM1934, found in this day's Journal, was considered.

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.

The Lynch specific amendment was adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 683

Mr. Warner withdrew his pending amendments, AM1528 and AM1550, found in the Journal on pages 1891 and 1931, to LB 683.

Ms. Scofield withdrew her pending amendment, AM1165, found in the Journal on page 1883, to LB 683.

MOTION - Return LB 683 to Select File

Ms. Scofield moved to return LB 683 to Select File for her specific amendment, AM1549, found in the Journal on page 1964.

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.

Ms. Scofield requested a roll call vote on her motion to return.

Voting in the affirmative, 22:

Baack	Conway	Johnson, L.	Lynch	Scofield
Barrett	Coordsen	Korshoj	Moore	Smith
Bernard-Stevens	Dierks	Kristensen	Morrissey	Warner
Byars	Haberman	Lamb	Rogers	Wehrbein
	Hefner	Langford		

Voting in the negative, 20:

Ashford	Chizek	Hartnett	Nelson	Schimek
Beck	Crosby	Landis	Peterson	Weihing
Beyer	Goodrich	Lindsay	Robak	Wesely
Chambers	Hall	McFarland	Schellpeper	Withem

Present and not voting, 3:

Elmer	Hannibal	Schmit

Absent and not voting, 1:

Pirsch

Excused and not voting, 3:

Abboud	Johnson, R.	Labedz

The Scofield motion to return lost with 22 ayes, 20 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

MOTION - Return LB 289A to Select File

Mr. Schmit moved to return LB 289A to Select File for his specific amendment, AM1912, found in the Journal on page 2536.

The Schmit motion to return prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 289A. The Schmit specific amendment, AM1912, found in the Journal on page 2536, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendment to LB 651A

Mr. Warner withdrew his pending amendment, FA287, found in the Journal on page 2531, to LB 651A.

MOTION - Return LB 651A to Select File

Mr. Warner moved to return LB 651A to Select File for his specific amendment, AM1945, found in the Journal on page 2537.

The Warner motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 651A. The Warner specific amendment, AM1945, found in the Journal on page 2537, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendment to LB 761A

Ms. Scofield withdrew her pending amendment, AM1946, found in the Journal on page 2546, to LB 761A.

MOTION - Return LB 761A to Select File

Ms. Scofield moved to return LB 761A to Select File for the following specific amendment:
AM1961

(Amendments to the Final Reading copy)

1. Strike the original section 1 and insert the following new sections:

"Section 1. The State Treasurer is hereby

directed to transfer and there is hereby appropriated (1) $146,250 from the Low-Level Radioactive Waste Cash Fund for the period July 1, 1989, to June 30, 1990, and (2) $72,760 from the Low-Level Radioactive Waste Cash Fund for the period July 1, 1990, to June 30, 1991, to the University of Nebraska, for the University of Nebraska Institute of Agriculture and Natural Resources, for Program 799, to aid in carrying out the provisions of Legislative Bill 761, Ninety-first Legislature, First Session, 1989. Any unexpended balance at the end of FY1989-90 or FY1990-91 shall be returned to the Low-Level Radioactive Waste Cash Fund.

Sec. 2. It is the intent of the Legislature that there will be a memorandum of understanding between the Department of Environmental Control and the University of Nebraska Institute of Agriculture and Natural Resources regarding how the University of Nebraska will account to the department for the expenditures.

Sec. 3. It is the intent of the Legislature that the Conservation and Survey Division of the University of Nebraska shall utilize funds transferred from the Low-Level Radioactive Waste Cash Fund to provide services to local monitoring committees for both preoperational and postoperational monitoring, testing, and other services required by Legislative Bill 761, Ninety-first Legislature, First Session, 1989.".

2. On page 1, line 4, after the semicolon, insert "to state intent;".

3. Renumber the remaining section accordingly.

Ms. Scofield requested a roll call vote on her motion to return.

Voting in the affirmative, 19:

Ashford	Dierks	Langford	Rogers	Smith
Beck	Korshoj	McFarland	Schellpeper	Wehrbein
Chambers	Kristensen	Morrissey	Schimek	Wesely
Crosby	Landis	Pirsch	Scofield	

Voting in the negative, 19:

Baack	Beyer	Byars	Chizek	Conway

Coordsen	Haberman	Hefner	Moore	Schmit
Elmer	Hall	Johnson, L.	Peterson	Weihing
Goodrich	Hartnett	Lamb	Robak	

Present and not voting, 8:

Barrett	Bernard-Stevens	Hannibal	Lynch	Warner
		Lindsay	Nelson	Withem

Excused and not voting, 3:

Abboud	Johnson, R.	Labedz

The Scofield motion to return lost with 19 ayes, 19 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Schmit moved to return LB 761A to Select File for the following specific amendment:
FA293
Strike the enacting clause.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to return prevailed with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 761A. The Schmit specific amendment, FA293, found in this day's Journal, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LB 761A stands indefinitely postponed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 177, 187A, 289A, 362, 362A, 651A, and 781.

Correctly Engrossed

The following bill was correctly engrossed: 279.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Changes to LB 177
(Changes to Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6224

1. On page 2, line 5, the second "Nebraska" has been struck.
2. On page 3, line 19, "of" has been struck and "by" inserted.

Enrollment and Review Changes to LB 279

The following changes, required to be reported for publication in the Journal, have been made:
ER6221

1. In the Chizek amendment, AM1903, on page 1, line 3, "by the State of Nebraska" and all amendments thereto have been struck and "pursuant to sections 68-1018 to 68-1025" inserted.
2. In the Landis et al. amendment, FA 138, on page 8, line 17, "and 10" and all amendments thereto have been struck and "4, and 13" inserted.
3. On page 1, line 2, "and 44-2006" has been struck and ", 44-2006, 44-3503, 44-4216, 44-4217, 44-4220, 44-4222, 44-4227, and 44-4228" inserted; in line 3 ", and section 44-3904, Reissue Revised Statutes of Nebraska, 1943, as amended by section 244, Legislative Bill 92, Ninety-first Legislature, First Session, 1989" has been inserted after "1943"; in line 5 "and" has been struck and "to exempt certain service contracts from insurance provisions; to change continuing education requirements relating to title insurance licensees; to change provisions relating to the Comprehensive Health Insurance Pool; to provide requirements for payments for pharmacy services; to provide operative dates;" inserted; and in line 6 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Changes to LB 781
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6223

1. In the Smith amendment, AM1851:

a. On page 1, line 4, "as amended by section 1, Legislative Bill 441, Ninety-first Legislature, First Session, 1989," has been inserted after the second comma; and in line 6 "and section 7 of this act" has been inserted after "53-1,121";

b. On page 3, line 9, the underscored semicolon has been struck and an underscored comma inserted; and

c. On page 54, line 16, "53-101," has been struck; and in line 19 "and section 53-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 441, Ninety-first Legislature, First Session, 1989," has been inserted after the last comma.

2. On page 1, line 2, "53-101," has been struck; and in line 5 ", and section 53-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 441, Ninety-first Legislature, First Session, 1989" has been inserted after "1943".

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1989, at 7:30 p.m., were the following bills: 285 and 285A.

(Signed) Randy Tippin, Enrolling Clerk

UNANIMOUS CONSENT - Unbracket LB 209

Mr. Schmit asked unanimous consent to unbracket LB 209. No objections. So ordered.

MOTION - Adjournment

Mr. Hall moved to adjourn until Monday, May 22, 1989. The motion lost with 7 ayes, 31 nays, and 11 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 132.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend sections 33-105 and 46-212.02, Reissue Revised

Statutes of Nebraska, 1943; to provide a fee for certain services; to provide for the use and distribution of fees; 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, 47:

Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Schmit
Barrett	Crosby	Johnson, R.	Morrissey	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
	Goodrich	Lamb	Pirsch	Wehrbein
Beyer	Haberman	Landis	Robak	Weihing
Byars	Hall	Langford	Rogers	Wesely
Chambers	Hannibal	Lindsay	Schellpeper	Withem
Chizek	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 2:

Abboud Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 183

Mr. Hefner withdrew his pending amendment, AM1088, found in the Journal on page 1675, to LB 183.

Mr. Lamb withdrew his pending amendment, AM1464, found in the Journal on page 1844, to LB 183.

MOTION - Bracket LB 183

Mr. Dierks moved to bracket LB 183 until January 10, 1990.

Mr. Dierks withdrew his pending motion to bracket.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 183.

A BILL FOR AN ACT relating to schools; to amend sections 79-420, 79-701, 79-1331, and 79-3330, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide students the option of attending a school in a district other than the one in which he or she resides; to define and redefine terms; to provide procedures relating to applications as prescribed; to provide duties for the resident and option districts; to create a fund; to provide for payments as prescribed; to require a study; to change provisions for the amount paid to a servicing agency; 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, 27:

Ashford	Chizek	Hannibal	Lynch	Scofield
Baack	Conway	Hartnett	McFarland	Smith
Beck	Crosby	Kristensen	Pirsch	Weihing
Bernard-Stevens	Elmer	Landis	Rogers	Wesely
Chambers	Goodrich	Langford	Schimek	Withem
	Hall	Lindsay		

Voting in the negative, 20:

Barrett	Dierks	Johnson, R.	Morrissey	Schellpeper
Beyer	Haberman	Korshoj	Nelson	Schmit
Byars	Hefner	Lamb	Peterson	Warner
Coordsen	Johnson, L.	Moore	Robak	Wehrbein

Excused and not voting, 2:

Abboud Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 183A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 183, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Conway	Hartnett	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Kristensen	Nelson	Warner
Bernard-Stevens	Elmer	Landis	Pirsch	Wehrbein
	Goodrich	Langford	Rogers	Weihing
Chambers	Hall	Lindsay	Schellpeper	Wesely
Chizek	Hannibal	Lynch	Schimek	Withem

Voting in the negative, 6:

Byars	Hefner	Lamb	Peterson	Robak
Haberman				

Present and not voting, 2:

Beyer Korshoj

Excused and not voting, 2:

Abboud Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 335.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend sections 77-27,188, 77-27,188.01, 77-27,188.02, and 77-27,191, Revised Statutes Supplement, 1988; to change provisions relating to tax credits pursuant to the act; 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, 44:

Ashford	Chizek	Hartnett	Lynch	Schellpeper
Baack	Conway	Hefner	McFarland	Schimek
Barrett	Coordsen	Johnson, L.	Moore	Schmit
Beck	Crosby	Johnson, R.	Morrissey	Scofield
Bernard-Stevens	Dierks	Korshoj	Nelson	Smith
Beyer	Elmer	Kristensen	Peterson	Wehrbein
Byars	Goodrich	Lamb	Pirsch	Weihing
Chambers	Haberman	Langford	Robak	Wesely
	Hannibal	Lindsay	Rogers	Withem

Voting in the negative, 3:

Hall	Landis	Warner

Excused and not voting, 2:

Abboud	Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 335A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 335, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Bernard-Stevens	Chambers	Crosby	Haberman
Baack	Beyer	Chizek	Dierks	Hannibal
Barrett	Byars	Conway	Elmer	Hartnett
Beck		Coordsen	Goodrich	Hefner

Johnson, L.	Langford	Morrissey	Rogers	Smith
Johnson, R.	Lindsay	Nelson	Schellpeper	Wehrbein
Korshoj	Lynch	Peterson	Schimek	Weihing
Kristensen	McFarland	Pirsch	Schmit	Wesely
Lamb	Moore	Robak	Scofield	Withem

Voting in the negative, 3:

Hall	Landis	Warner

Excused and not voting, 2:

Abboud	Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to burial sites and skeletal remains; to amend section 28-1301, Reissue Revised Statutes of Nebraska, 1943; to adopt the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to provide a penalty; to change provisions relating to offenses involving dead human bodies; 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, 30:

Ashford	Conway	Hannibal	Moore	Schmit
Baack	Coordsen	Hartnett	Morrissey	Scofield
Barrett	Crosby	Korshoj	Nelson	Smith
Bernard-Stevens	Dierks	Landis	Robak	Wehrbein
Chambers	Elmer	Lindsay	Rogers	Wesely
Chizek	Hall	McFarland	Schimek	Withem

Voting in the negative, 16:

Beck	Byars	Haberman	Johnson, L.	Kristensen
Beyer	Goodrich	Hefner	Johnson, R.	Lamb

Langford	Pirsch	Schellpeper	Warner	Weihing
Peterson				

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Abboud Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 340, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Ashford	Coordsen	Korshoj	Morrissey	Scofield
Baack	Crosby	Kristensen	Nelson	Smith
Barrett	Dierks	Landis	Robak	Warner
Bernard-Stevens	Elmer	Lindsay	Rogers	Wehrbein
Chambers	Hall	Lynch	Schellpeper	Weihing
Chizek	Hannibal	McFarland	Schimek	Wesely
Conway	Hartnett	Moore	Schmit	Withem
	Johnson, R.			

Voting in the negative, 11:

Beck	Goodrich	Hefner	Lamb	Peterson
Beyer	Haberman	Johnson, L.	Langford	Pirsch
Byars				

Excused and not voting, 2:

Abboud 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 132, 183, 183A, 335, 335A, 340, and 340A.

VISITORS

Visitors to the Chamber were eight fourth and fifth grade students and teacher from Larson Academy, York; Ingra Marrs from Lincoln and Karen, Kira, and Derek Marrs from Schwaikheim, West Germany; a group of fifth and sixth grade students and teachers from Bladen; and Senator Rogers' sister, Mrs. Wendle Smith, from Sedalia, Missouri and daughter, Gina Edwards, from Honolulu.

MOTION - Adjournment

Mr. Lynch moved to adjourn until 9:00 a.m., Monday, May 22, 1989. The motion prevailed with 24 ayes, 22 nays, and 3 not voting, and at 10:14 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 22, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 22, 1989

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH DAY - MAY 22, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 22, 1989

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rabbi Ethan Seidel, Tiffereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bernard-Stevens, Chambers, Conway, Hannibal, R. Johnson, Warner, Wehrbein, Withem, Mmes. Robak, Smith, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2571, line 2, strike "22" and insert "21", and line 3, strike "1" and insert "2".
Page 2584, line 15, strike "AM1883" and insert "AM1888".
Page 2605, line 2, on LB 289A, strike "engrossed" and insert "reengrossed".
The Journal for the Eighty-Seventh Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1989, at 10:30 p.m., were the following bills: 132, 183, 183A, 335, 335A, 340, and 340A.

(Signed) Jan Loder, Enrolling Clerk

REPORT

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads for April, 1989.

RESOLUTION

LEGISLATIVE RESOLUTION 219. Read. Considered.

LR 219 was adopted with 25 ayes, 0 nays, and 24 not voting.

WITHDRAW - Amendment to LB 209

Mr. Hall withdrew his pending amendment, AM1734, found in the Journal on page 2453, to LB 209.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 209.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to exclude certain telecommunication revenue from the definition of gross receipts; and to repeal the original section.

Whereupon the 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	Hefner	Lindsay	Rogers
Ashford	Crosby	Johnson, L.	Lynch	Schellpeper
Baack	Dierks	Johnson, R.	McFarland	Schimek
Barrett	Elmer	Korshoj	Moore	Schmit
Beck	Goodrich	Kristensen	Morrissey	Scofield
Beyer	Haberman	Labedz	Nelson	Smith
Byars	Hall	Lamb	Peterson	Warner
Chambers	Hannibal	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Robak	Weihing

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 3:

Bernard-Stevens	Conway	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 319. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-120, 44-121, 44-124, 44-133, 44-134, 44-208.05, 44-3,123, 44-1206.01, 44-1525, 44-2403, 44-2406, 44-2409, 44-2710, 44-3276, 44-3323, 44-3519, and 44-3822, Reissue Revised Statutes of Nebraska, 1943, and section 23, Legislative Bill 320, Ninety-first Legislature, First Session, 1989; to adopt the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to eliminate provisions relating to insolvent companies; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 44-125 to 44-127.10 and 44-127.13 to 44-132, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Beyer	Dierks	Hannibal	Korshoj
Ashford	Byars	Elmer	Hartnett	Kristensen
Baack	Conway	Goodrich	Hefner	Labedz
Barrett	Coordsen	Haberman	Johnson, L.	Lamb
Beck	Crosby	Hall	Johnson, R.	Landis

Langford	Moore	Pirsch	Schimek	Warner
Lindsay	Morrissey	Robak	Schmit	Wehrbein
Lynch	Nelson	Rogers	Scofield	Weihing
McFarland	Peterson	Schellpeper	Smith	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Bernard-Stevens	Chizek	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 323.

A BILL FOR AN ACT relating to optometrists; to amend section 71-1,135, Reissue Revised Statutes of Nebraska, 1943, and section 71-101, Revised Statutes Supplement, 1988, as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989; to state findings and declare legislative intent; to change examination requirements as prescribed; 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, 45:

Abboud	Conway	Hannibal	Landis	Peterson
Ashford	Coordsen	Hartnett	Langford	Pirsch
Baack	Crosby	Hefner	Lindsay	Robak
Barrett	Dierks	Johnson, L.	Lynch	Rogers
Beck	Elmer	Johnson, R.	McFarland	Schellpeper
Beyer	Goodrich	Korshoj	Moore	Schimek
Byars	Haberman	Labedz	Morrissey	Schmit
Chambers	Hall	Lamb	Nelson	Scofield

Smith	Warner	Wehrbein	Weihing	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Bernard-Stevens	Chizek	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 354.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1988; to change provisions relating to eligibility for benefits as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford	Hall	Lindsay	Robak	Scofield
Baack	Hartnett	Lynch	Rogers	Smith
Chambers	Hefner	McFarland	Schellpeper	Wehrbein
Conway	Johnson, R.	Morrissey	Schimek	Weihing
Crosby	Labedz	Nelson	Schmit	Wesely
Dierks	Landis			

Voting in the negative, 17:

Abboud	Coordsen	Hannibal	Lamb	Peterson
Barrett	Elmer	Johnson, L.	Langford	Pirsch
Beck	Goodrich	Korshoj	Moore	Warner
Beyer	Haberman			

Present and not voting, 2:

Byars Kristensen

Excused and not voting, 3:

Bernard-Stevens Chizek Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 354A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, Ninety-first Legislature, First Session, 1989; and to decrease an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Ashford	Dierks	Johnson, R.	Morrissey	Scofield
Baack	Hall	Labedz	Nelson	Smith
Barrett	Hannibal	Landis	Robak	Warner
Byars	Hartnett	Lindsay	Schellpeper	Wehrbein
Chambers	Hefner	Lynch	Schimek	Weihing
Conway	Johnson, L.	McFarland	Schmit	Wesely
Crosby				

Voting in the negative, 13:

Abboud	Coordsen	Haberman	Langford	Pirsch
Beck	Elmer	Korshoj	Moore	Rogers
Beyer	Goodrich	Lamb		

Present and not voting, 2:

Kristensen Peterson

Excused and not voting, 3:

Bernard-Stevens	Chizek	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Lamb and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 360.

A BILL FOR AN ACT relating to living and burial expenses; to amend section 12-1106, Reissue Revised Statutes of Nebraska, 1943, and section 68-129, Revised Statutes Supplement, 1988; to increase the amount permitted to be set aside for burial expenses; to provide a personal needs allowance for aged, blind, and disabled persons; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hartnett	Lynch	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Morrissey	Schmit
Barrett	Crosby	Johnson, R.	Nelson	Scofield
Beck	Dierks	Korshoj	Peterson	Smith
Bernard-Stevens	Elmer	Labedz	Pirsch	Wehrbein
Beyer	Goodrich	Landis	Robak	Weihing
Byars	Haberman	Langford	Rogers	Wesely
	Hall	Lindsay		

Voting in the negative, 0.

Present and not voting, 3:

Hannibal	Kristensen	Warner

Excused and not voting, 4:

Chizek	Lamb	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 360A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Hartnett	Lynch	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Morrissey	Schmit
Barrett	Crosby	Johnson, R.	Nelson	Scofield
Beck	Dierks	Korshoj	Peterson	Smith
Bernard-Stevens	Elmer	Labedz	Pirsch	Wehrbein
	Goodrich	Landis	Robak	Weihing
Beyer	Haberman	Lindsay	Rogers	Wesely
Byars	Hall			

Voting in the negative, 0.

Present and not voting, 4:

Hannibal	Kristensen	Langford	Warner

Excused and not voting, 4:

Chizek	Lamb	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 378.

A BILL FOR AN ACT relating to the Department of Health; to create the Office of Rural Health; to establish an advisory committee; to provide powers and duties for the office and committee; to

authorize fees; to provide for termination of the committee; and to provide for funding the office.

Whereupon the 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:

Ashford	Chambers	Goodrich	Labedz	Peterson
Baack	Conway	Haberman	Landis	Robak
Barrett	Coordsen	Hefner	Lindsay	Schellpeper
Beck	Crosby	Johnson, R.	Lynch	Scofield
Bernard-Stevens	Dierks	Korshoj	McFarland	Weihing
Beyer	Elmer	Kristensen	Morrissey	Wesely

Voting in the negative, 11:

Abboud	Langford	Pirsch	Schmit	Warner
Hannibal	Nelson	Schimek	Smith	Wehrbein
Johnson, L.				

Present and not voting, 4:

Byars	Hall	Hartnett	Rogers

Excused and not voting, 4:

Chizek	Lamb	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 378A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hannibal	Lindsay	Rogers
Ashford	Conway	Hefner	Lynch	Schellpeper
Baack	Coordsen	Johnson, R.	McFarland	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Peterson	Weihing
Beyer	Haberman	Landis	Robak	Wesely

Voting in the negative, 5:

Johnson, L.	Langford	Pirsch	Schmit	Warner

Present and not voting, 5:

Byars	Crosby	Hall	Hartnett	Schimek

Excused and not voting, 4:

Chizek	Lamb	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 209, 319, 323, 354, 354A, 360, and 360A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 388.

A BILL FOR AN ACT relating to retirement; to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943; to change the age for voluntary membership in the State Employees Retirement System; and to repeal the original section.

Whereupon the 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	Lynch	Schellpeper
Ashford	Coordsen	Johnson, L.	McFarland	Schimek
Baack	Crosby	Johnson, R.	Morrissey	Schmit
Barrett	Dierks	Korshoj	Nelson	Scofield
Beck	Elmer	Kristensen	Peterson	Smith
Bernard-Stevens	Goodrich	Labedz	Pirsch	Warner
Beyer	Haberman	Landis	Robak	Weihing
Chambers	Hannibal	Langford	Rogers	Wesely
	Hartnett	Lindsay		

Voting in the negative, 0.

Present and not voting, 3:

Byars	Hall	Wehrbein

Excused and not voting, 4:

Chizek	Lamb	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 408.

A BILL FOR AN ACT relating to youth; to adopt the Youth Leadership Academy Act and the Nebraska Student Exchange 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	Bernard-Stevens	Conway	Elmer	Hefner
Ashford	Beyer	Coordsen	Goodrich	Johnson, L.
Baack	Chambers	Crosby	Haberman	Johnson, R.
Barrett		Dierks	Hartnett	Kristensen

Labedz	McFarland	Rogers	Scofield	Weihing
Landis	Morrissey	Schellpeper	Smith	Wesely
Lindsay	Robak	Schimek	Wehrbein	Withem
Lynch				

Voting in the negative, 8:

Beck	Langford	Peterson	Schmit	Warner
Hannibal	Nelson	Pirsch		

Present and not voting, 3:

Byars	Hall	Korshoj

Excused and not voting, 3:

Chizek	Lamb	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 408A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 408, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Hall	Lindsay	Schimek
Ashford	Conway	Hartnett	Lynch	Schmit
Baack	Coordsen	Hefner	McFarland	Smith
Barrett	Crosby	Johnson, L.	Morrissey	Wehrbein
Bernard-Stevens	Dierks	Johnson, R.	Nelson	Weihing
	Elmer	Kristensen	Robak	Wesely
Beyer	Goodrich	Labedz	Rogers	Withem
Byars	Haberman	Landis	Schellpeper	

Voting in the negative, 7:

Beck	Korshoj	Langford	Pirsch	Warner
Hannibal	Lamb			

Present and not voting, 2:

Peterson Scofield

Excused and not voting, 2:

Chizek Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the minimum wage rate for persons compensated by way of gratuities; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Morrissey	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Byars	Hannibal	Lindsay	Schellpeper	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 2:

Chizek Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 412A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 412, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Hartnett	Langford	Rogers
Ashford	Coordsen	Hefner	Lindsay	Schimek
Baack	Crosby	Johnson, L.	Lynch	Scofield
Barrett	Dierks	Johnson, R.	McFarland	Smith
Beck	Elmer	Korshoj	Moore	Warner
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Wehrbein
Beyer	Haberman	Labedz	Peterson	Weihing
Byars	Hall	Lamb	Pirsch	Wesely
Chambers	Hannibal	Landis	Robak	Withem

Voting in the negative, 0.

Present and not voting, 3:

Nelson Schellpeper Schmit

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 423.

A BILL FOR AN ACT relating to fraud; to adopt the Uniform Fraudulent Transfer Act; to repeal the Uniform Fraudulent Conveyance Act; and to repeal sections 36-601 to 36-613, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Byars	Hannibal	Langford	Rogers	Withem
Chambers	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 336. With Emergency.

A BILL FOR AN ACT relating to education; to adopt the Nebraska School Restructuring Act; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Chambers	Hartnett	Lynch	Schellpeper
Ashford	Conway	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Dierks	Johnson, R.	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Peterson	Weihing
	Haberman	Lamb	Pirsch	Wesely
Beyer	Hall	Landis	Robak	Withem
Byars	Hannibal	Lindsay	Rogers	

Voting in the negative, 0.

Present and not voting, 5:

Crosby	Korshoj	Langford	Schmit	Warner

Excused and not voting, 1:

Chizek

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: 378, 378A, 388, 408, 408A, 412, 412A, and 423.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 438.

A BILL FOR AN ACT relating to education; to amend sections 79-328, 79-1901, 79-1902, 79-1903, 79-1904, 79-1907, 79-1908, 79-1910.01, 79-1911, 79-1912, 79-1913, 79-2001, 79-2002, 79-2003, 79-2004, 79-2005, 79-2006, 79-2007, 79-2009.01, 79-3330, and 79-3333, Reissue Revised Statutes of Nebraska, 1943; to require the state to fund certain schools as prescribed; to change provisions

relating to the purposes of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped; to change provisions relating to the payment of transportation costs; to authorize the provision of clothing as prescribed; to harmonize provisions; to repeal the original sections, and also section 79-3331, 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	Dierks	Johnson, R.	Lynch	Schellpeper
Barrett	Elmer	Korshoj	McFarland	Schmit
Beck	Goodrich	Kristensen	Moore	Smith
Beyer	Hall	Labedz	Morrissey	Wehrbein
Byars	Hartnett	Lamb	Peterson	Weihing
Chambers	Hefner	Landis	Robak	Wesely
Coordsen	Johnson, L.	Lindsay	Rogers	Withem
Crosby				

Voting in the negative, 10:

Ashford	Bernard-	Conway	Hannibal	Nelson
Baack	Stevens	Haberman	Langford	Pirsch
				Warner

Present and not voting, 2:

Schimek Scofield

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 438A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Korshoj	McFarland	Schellpeper
Barrett	Elmer	Kristensen	Moore	Schimek
Beck	Goodrich	Labedz	Morrissey	Schmit
Beyer	Hall	Lamb	Nelson	Smith
Byars	Hartnett	Landis	Peterson	Wehrbein
Chambers	Hefner	Lindsay	Robak	Weihing
Coordsen	Johnson, L.	Lynch	Rogers	Withem
Crosby	Johnson, R.			

Voting in the negative, 10:

Ashford	Bernard-Stevens	Conway	Hannibal	Pirsch
Baack		Haberman	Langford	Warner
				Wesely

Present and not voting, 1:

Scofield

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 444.

A BILL FOR AN ACT relating to museums; to amend sections 51-502, 51-508, 51-509, and 51-512, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to voter approval of the establishment and maintenance of a museum as prescribed; to change provisions relating to boards of public museums 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, 48:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	Withem
	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 449.

A BILL FOR AN ACT relating to infants; to amend sections 43-512 and 43-512.11, Reissue Revised Statutes of Nebraska, 1943; to add a transition benefit; to require additional reporting as prescribed; to require certain services; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Ashford	Bernard-Stevens	Conway	Hefner	Lindsay
Baack	Beyer	Crosby	Korshoj	Lynch
Barrett	Byars	Dierks	Kristensen	McFarland
Beck	Chambers	Hall	Lamb	Morrissey
		Hartnett	Landis	Nelson

Peterson	Rogers	Smith	Wesely	Withem
Robak	Schmit	Weihing		

Voting in the negative, 16:

Abboud	Haberman	Johnson, R.	Pirsch	Scofield
Coordsen	Hannibal	Langford	Schellpeper	Warner
Elmer	Johnson, L.	Moore	Schimek	Wehrbein
Goodrich				

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 449A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 449, Ninety-first Legislature, First Session, 1989.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford	Byars	Hefner	Lynch	Rogers
Baack	Chambers	Korshoj	McFarland	Schmit
Barrett	Conway	Kristensen	Morrissey	Smith
Beck	Dierks	Lamb	Nelson	Wesely
Bernard-Stevens	Hall	Landis	Robak	Withem
	Hartnett	Lindsay		

Voting in the negative, 17:

Abboud	Coordsen	Goodrich	Hannibal	Johnson, R.
Beyer	Elmer	Haberman	Johnson, L.	Langford

Moore	Schellpeper	Scofield	Warner	Weihing
Pirsch	Schimek			

Present and not voting, 4:

Crosby	Labedz	Peterson	Wehrbein

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend sections 81-8,209, 81-8,210, 81-8,212, 81-8,215, 81-8,218, 81-8,229, and 81-8,231, Revised Statutes Supplement, 1988; to provide for the applicability of the act to claims against employees of the state; to redefine terms; 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, 39:

Abboud	Conway	Hartnett	Lindsay	Schmit
Baack	Coordsen	Hefner	Lynch	Scofield
Barrett	Dierks	Johnson, L.	Moore	Smith
Beck	Elmer	Johnson, R.	Nelson	Warner
Bernard-Stevens	Goodrich	Kristensen	Peterson	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Byars	Hannibal	Langford	Schellpeper	Withem

Voting in the negative, 3:

Chambers	McFarland	Pirsch

Present and not voting, 6:

Ashford	Korshoj	Labedz	Morrissey	Schimek
Crosby				

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 569. With Emergency.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5103, 71-5105, 71-5115, 71-5119, 71-5120, 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, 71-5521, 71-5522, and 71-5523, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5101, 71-5102, 71-5108, 71-5113, 71-5502, 71-5504, 71-5508, 71-5517, 71-5519, and 71-5520, Revised Statutes Supplement, 1988; to define and redefine terms; to change provisions relating to licensure and certification of emergency medical technicians and service providers; to provide for certification of emergency medical technicians-A/D and emergency medical technicians-intermediate and for licensure of emergency medical technician-A/D services; to state intent; to provide powers and duties; to state requirements; to require training; to provide for approval and certification of training courses and instructors; to harmonize provisions; to transfer provisions; 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, 46:

Abboud	Coordsen	Hefner	Lindsay	Rogers
Baack	Crosby	Johnson, L.	Lynch	Schellpeper
Barrett	Dierks	Johnson, R.	McFarland	Schimek
Beck	Elmer	Korshoj	Moore	Schmit
Bernard-Stevens	Goodrich	Kristensen	Morrissey	Scofield
	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Peterson	Warner
Byars	Hannibal	Landis	Pirsch	Wehrbein
Conway	Hartnett	Langford	Robak	Weihing

Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Ashford Chambers

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 569A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 569, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Hefner	Lynch	Schimek
Baack	Crosby	Johnson, L.	McFarland	Schmit
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Peterson	Warner
Beyer	Haberman	Labedz	Pirsch	Wehrbein
Byars	Hall	Lamb	Robak	Weihing
Chambers	Hannibal	Landis	Rogers	Wesely
Conway	Hartnett	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford Langford Nelson

Excused and not voting, 1:

Chizek

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 NICHOL PRESIDING

LEGISLATIVE BILL 574. With Emergency.

A BILL FOR AN ACT relating to livestock; to amend section 54-2201, Reissue Revised Statutes of Nebraska, 1943; to provide for a pseudorabies eradication plan; to state intent; to provide for additional personnel for the Department of Agriculture; 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, 45:

Abboud	Coordsen	Johnson, L.	Lynch	Schimek
Baack	Crosby	Johnson, R.	McFarland	Schmit
Barrett	Dierks	Korshoj	Moore	Scofield
Beck	Elmer	Kristensen	Morrissey	Smith
Bernard-Stevens	Goodrich	Labedz	Nelson	Warner
Beyer	Haberman	Lamb	Peterson	Wehrbein
Byars	Hall	Landis	Robak	Weihing
Chambers	Hartnett	Langford	Rogers	Wesely
Conway	Hefner	Lindsay	Schellpeper	Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Ashford Hannibal

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 574A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Schmit
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Crosby	Johnson, R.	Moore	Smith
Beck	Dierks	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
	Goodrich	Labedz	Robak	Weihing
Beyer	Haberman	Lamb	Rogers	Wesely
Byars	Hall	Landis	Schellpeper	Withem
Chambers	Hartnett	Lindsay	Schimek	

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Hannibal	Langford	Nelson	Pirsch

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to teachers; to amend sections 79-1282, 79-1283, and 79-1284, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disciplinary procedures by the State Board of Education; to provide powers and duties for the board and the Professional Practices Commission; to change provisions relating to the commission; to eliminate provisions on the revocation and suspension of certificates; and to repeal the original sections, and also section 79-1234, 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	Hefner	Moore	Schmit
Baack	Coordsen	Johnson, L.	Nelson	Scofield
Barrett	Elmer	Johnson, R.	Peterson	Smith
Beck	Goodrich	Kristensen	Pirsch	Warner
Bernard-Stevens	Haberman	Labedz	Robak	Wehrbein
Beyer	Hall	Lamb	Rogers	Weihing
Byars	Hannibal	Landis	Schellpeper	Wesely
Chambers	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 1:

McFarland

Present and not voting, 7:

Ashford	Dierks	Langford	Lynch	Morrissey
Crosby	Korshoj			

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 575A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Johnson, L.	Lynch	Schimek
Ashford	Conway	Johnson, R.	McFarland	Scofield
Baack	Crosby	Kristensen	Moore	Smith
Barrett	Elmer	Labedz	Nelson	Warner
Beck	Goodrich	Lamb	Peterson	Wehrbein
Bernard-Stevens	Haberman	Landis	Robak	Weihing
Beyer	Hannibal	Langford	Rogers	Wesely
Byars	Hartnett	Lindsay	Schellpeper	Withem
	Hefner			

Voting in the negative, 0.

Present and not voting, 7:

Coordsen	Hall	Morrissey	Pirsch	Schmit
Dierks	Korshoj			

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 586 to Select File

Mr. Haberman moved to return LB 586 to Select File for the following specific amendment:
FA294
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 586.

A BILL FOR AN ACT relating to courts; to create the Appellate Division of the District Court; to provide judges for the appellate division; to provide powers and duties for the appellate division and Supreme Court; and to provide a termination 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, 37:

Abboud	Byars	Hartnett	McFarland	Scofield
Ashford	Conway	Johnson, L.	Nelson	Smith
Baack	Coordsen	Johnson, R.	Peterson	Warner
Barrett	Crosby	Kristensen	Pirsch	Wehrbein
Beck	Dierks	Labedz	Robak	Weihing
Bernard-Stevens	Elmer	Lamb	Schellpeper	Wesely
Beyer	Goodrich	Landis	Schmit	Withem
	Hall	Langford		

Voting in the negative, 6:

Chambers	Hannibal	Korshoj	Lindsay	Morrissey
Haberman				

Present and not voting, 4:

Lynch	Moore	Rogers	Schimek

Excused and not voting, 2:

Chizek Hefner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 586A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 586, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Byars	Hartnett	Nelson	Scofield
Ashford	Conway	Johnson, L.	Peterson	Smith
Baack	Coordsen	Kristensen	Pirsch	Warner
Barrett	Crosby	Labedz	Robak	Wehrbein
Beck	Dierks	Lamb	Schellpeper	Weihing
Bernard-Stevens	Elmer	Landis	Schimek	Wesely
	Goodrich	Lynch	Schmit	Withem
Beyer	Hall	McFarland		

Voting in the negative, 7:

Chambers	Hannibal	Langford	Lindsay	Morrissey
Haberman	Korshoj			

Present and not voting, 3:

Johnson, R. Moore Rogers

Excused and not voting, 2:

Chizek Hefner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 603.

A BILL FOR AN ACT relating to infants; to amend sections 42-917, 42-918, 43-285, 43-1301, 43-1302, 43-1303, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314, and 71-605.04, Reissue Revised Statutes of Nebraska, 1943, and section 28-726, Revised Statutes Supplement, 1988; to authorize the release of certain records to the State Foster Care Review Board; to provide for review of certain additional foster care placements; to authorize the State Foster Care Review Board to participate in certain proceedings as prescribed; to redefine a term; to limit liability; to provide and change powers and duties; to provide for notification of the Nebraska Sudden Infant Death Syndrome Foundation of certain deaths; 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	Conway	Johnson, L.	Lynch	Schellpeper
Ashford	Coordsen	Johnson, R.	McFarland	Schimek
Baack	Crosby	Korshoj	Moore	Schmit
Barrett	Dierks	Kristensen	Morrissey	Scofield
Beck	Elmer	Labedz	Nelson	Smith
Bernard-Stevens	Goodrich	Lamb	Peterson	Wehrbein
Beyer	Haberman	Landis	Pirsch	Weihing
Byars	Hall	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Rogers	Withem

Voting in the negative, 1:

Warner

Present and not voting, 1:

Hannibal

Excused and not voting, 2:

Chizek Hefner

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: 336, 438, 438A, 444, 449, 449A, 541, 569, 569A, 574, 574A, 575, and 575A.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 603A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Hartnett	Lynch	Schellpeper
Ashford	Conway	Johnson, L.	McFarland	Schimek
Baack	Coordsen	Johnson, R.	Moore	Schmit
Barrett	Crosby	Korshoj	Morrissey	Scofield
Beck	Dierks	Kristensen	Peterson	Smith
Bernard-Stevens	Elmer	Lamb	Pirsch	Wehrbein
Beyer	Goodrich	Landis	Robak	Weihing
Byars	Haberman	Langford	Rogers	Withem
	Hall	Lindsay		

Voting in the negative, 1:

Warner

Present and not voting, 3:

Hannibal Nelson Wesely

Excused and not voting, 3:

Chizek Hefner Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 611

Mr. Abboud moved to bracket LB 611 until January 3, 1990.

Mr. Ashford 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. Abboud withdrew his motion to bracket.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 611.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,119 and 79-1330, Reissue Revised Statutes of Nebraska, 1943; to state intent concerning school finance; to change requirements for filing income tax returns; to provide a termination date for the School Foundation and Equalization Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford	Bernard-Stevens	Byars	Crosby	Hall
Baack	Beyer	Conway	Dierks	Hannibal
Barrett		Coordsen	Elmer	Hartnett

Johnson, L.	Lamb	Moore	Robak	Smith
Johnson, R.	Landis	Morrissey	Rogers	Wehrbein
Korshoj	Lindsay	Nelson	Schellpeper	Weihing
Kristensen	Lynch	Pirsch	Scofield	Withem
Labedz				

Voting in the negative, 12:

Abboud	Goodrich	Langford	Schimek	Warner
Beck	Haberman	McFarland	Schmit	Wesely
Chambers	Hefner			

Present and not voting, 1:

Peterson

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 611A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 611, Ninety-first Legislature, First Session, 1989.

Whereupon the 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:

Ashford	Coordsen	Johnson, R.	Moore	Schimek
Baack	Dierks	Korshoj	Morrissey	Scofield
Barrett	Elmer	Kristensen	Nelson	Smith
Bernard-Stevens	Hall	Landis	Pirsch	Wehrbein
	Hannibal	Lindsay	Robak	Weihing
Beyer	Hartnett	Lynch	Rogers	Wesely
Byars	Johnson, L.	McFarland	Schellpeper	Withem
Conway				

Voting in the negative, 10:

Abboud	Chambers	Haberman	Lamb	Schmit
Beck	Goodrich	Hefner	Langford	Warner

Present and not voting, 3:

Crosby	Labedz	Peterson

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

VISITORS

Visitors to the Chamber were P. J. Morgan, Mayor-elect of Omaha; Eugene Mahoney and William Skarda; and 35 fourth grade students and teacher from Field Club School, Omaha.

RECESS

At 12:10 p.m., on a motion by Mr. Barrett, 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. Chambers, Coordsen, Moore, and Schmit who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 586, 586A, 603, 603A, 611, 611A, and LR 219.

EXPLANATION OF VOTE

Had I been present for the final vote on LB 209, I would have voted yes.

(Signed) Gerald A. Conway

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1989, at 10:31 a.m., were the following bills: 209, 319, 323, 354, 354A, 360, and 360A.

Presented to the Governor on May 22, 1989, at 10:55 a.m., were the following bills: 378, 378A, 388, 408, 408A, 412, 412A, and 423.

Presented to the Governor on May 22, 1989, at 12:02 p.m., were the following bills: 336, 438, 438A, 444, 449, 449A, 541, 569, 569A, 574, 574A, 575, and 575A.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 630.

A BILL FOR AN ACT relating to elevators; to amend section 48-418.12, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Nebraska Elevator Code 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	Beyer	Haberman	Korshoj	Lynch
Ashford	Byars	Hall	Kristensen	McFarland
Baack	Chizek	Hannibal	Labedz	Morrissey
Barrett	Conway	Hartnett	Lamb	Peterson
Beck	Crosby	Hefner	Landis	Pirsch
Bernard-Stevens	Dierks	Johnson, L.	Langford	Robak
	Elmer	Johnson, R.	Lindsay	Rogers

Schellpeper	Scofield	Wehrbein	Weihing	Withem
Schimek	Smith			

Voting in the negative, 1:

Wesely

Present and not voting, 3:

Goodrich	Nelson	Warner

Excused and not voting, 4:

Chambers	Coordsen	Moore	Schmit

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 640. With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 23-343.25, 32-1401 to 32-1408, and 79-2647, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to recall procedures as prescribed; to provide contents for the petition paper; to provide qualifications for circulators; to provide for filling vacancies as prescribed; to provide penalties; 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	Dierks	Johnson, R.	McFarland	Schimek
Ashford	Elmer	Kristensen	Moore	Scofield
Baack	Haberman	Labedz	Morrissey	Smith
Barrett	Hall	Lamb	Nelson	Warner
Bernard-Stevens	Hannibal	Landis	Peterson	Wehrbein
	Hartnett	Langford	Pirsch	Weihing
Beyer	Hefner	Lindsay	Robak	Wesely
Chizek	Johnson, L.	Lynch	Schellpeper	Withem
Conway				

Voting in the negative, 3:

Beck Byars Crosby

Present and not voting, 2:

Goodrich Korshoj

Excused and not voting, 4:

Chambers Coordsen Rogers 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 653. With Emergency.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1513, Reissue Revised Statutes of Nebraska, 1943, and section 77-1510, Revised Statutes Supplement, 1988; to create a commission; to provide duties for the commission; to change provisions relating to appeals from actions of the county board of equalization and the costs of such appeals; to provide for confession of judgment 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	Chizek	Hefner	Lindsay	Schellpeper
Ashford	Conway	Johnson, L.	Lynch	Schimek
Baack	Dierks	Johnson, R.	McFarland	Scofield
Barrett	Elmer	Korshoj	Moore	Smith
Beck	Goodrich	Kristensen	Morrissey	Warner
Bernard-Stevens	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Wesely
Byars	Hannibal	Landis	Pirsch	Withem
	Hartnett	Langford	Robak	

Voting in the negative, 0.

Present and not voting, 2:

Crosby Weihing

Excused and not voting, 4:

Chambers Coordsen Rogers 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 653A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 653, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hartnett	Lindsay	Schellpeper
Ashford	Coordsen	Hefner	Lynch	Schimek
Baack	Crosby	Johnson, L.	McFarland	Scofield
Barrett	Dierks	Johnson, R.	Moore	Smith
Beck	Elmer	Korshoj	Morrissey	Warner
Bernard-Stevens	Goodrich	Kristensen	Nelson	Wehrbein
Beyer	Haberman	Labedz	Peterson	Weihing
Byars	Hall	Lamb	Pirsch	Wesely
Chizek	Hannibal	Landis	Robak	Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 3:

Chambers Rogers Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 683 to Select File

Mr. Warner moved to return LB 683 to Select File for the following specific amendment:
FA295
Strike the enacting clause.

Mr. Warner withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 683. With Emergency.

A BILL FOR AN ACT relating to municipalities; to amend section 77-2602, Revised Statutes Supplement, 1988; to change the distribution of the cigarette tax; to adopt the Municipal Infrastructure Redevelopment Fund Act; to provide severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Chizek	Hartnett	Landis	Robak
Baack	Conway	Hefner	Langford	Rogers
Barrett	Coordsen	Johnson, L.	Lindsay	Schellpeper
Beck	Crosby	Johnson, R.	Lynch	Schimek
Bernard-Stevens	Dierks	Korshoj	Morrissey	Scofield
	Elmer	Kristensen	Nelson	Smith
Beyer	Goodrich	Labedz	Peterson	Weihing
Byars	Haberman	Lamb	Pirsch	Withem

Voting in the negative, 8:

Chambers	Hall	Hannibal	McFarland	Moore

Schmit Warner Wesely

Present and not voting, 2:

Ashford 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 683A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 683, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hartnett	Landis	Rogers
Baack	Conway	Hefner	Lindsay	Schellpeper
Barrett	Coordsen	Johnson, L.	Lynch	Schimek
Beck	Crosby	Johnson, R.	Morrissey	Scofield
Bernard-Stevens	Dierks	Korshoj	Nelson	Smith
	Elmer	Kristensen	Peterson	Weihing
Beyer	Goodrich	Labedz	Pirsch	Wesely
Byars	Haberman	Lamb	Robak	Withem

Voting in the negative, 8:

Chambers	Hannibal	McFarland	Schmit	Warner
Hall	Langford	Moore		

Present and not voting, 2:

Ashford 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.

MOTION - Return LB 705 to Select File

Mr. Moore moved to return LB 705 to Select File for the following specific amendment:
FA296
Strike the enacting clause.

Mrs. Langford 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. Moore withdrew his motion to return.

SPEAKER BARRETT PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 705. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to define terms; to exempt from the sales and use tax purchases of art by fine arts museums; 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, 33:

Abboud	Dierks	Johnson, R.	Nelson	Scofield
Ashford	Elmer	Labedz	Peterson	Smith
Baack	Goodrich	Lamb	Pirsch	Wehrbein
Beck	Hall	Landis	Robak	Weihing
Byars	Hannibal	Langford	Schellpeper	Wesely
Chizek	Hartnett	Lindsay	Schmit	Withem
Crosby	Hefner	Lynch		

Voting in the negative, 14:

Barrett	Beyer	Haberman	Kristensen	Morrissey
Bernard-Stevens	Conway	Johnson, L.	McFarland	Rogers
	Coordsen	Korshoj	Moore	Warner

Present and not voting, 2:

Chambers Schimek

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 710 to Select File

Mr. Schmit moved to return LB 710 to Select File for the following specific amendment:
FA297
Strike the enacting clause.

Mr. Schmit withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 710.

A BILL FOR AN ACT relating to water; to appropriate funds; to state intent; to provide for a legal analysis as prescribed and an analysis of water management alternatives; to eliminate provisions requiring a study of water transfers; and to repeal sections 2-15,118 and 2-15,120, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,119, Revised Statutes Supplement, 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, 34:

Abboud	Beck	Conway	Hannibal	Johnson, R.
Ashford	Bernard-Stevens	Crosby	Hartnett	Korshoj
Baack	Byars	Dierks	Hefner	Kristensen
Barrett		Hall	Johnson, L.	Lamb

Landis	McFarland	Pirsch	Scofield	Wehrbein
Lindsay	Morrissey	Schellpeper	Smith	Wesely
Lynch	Nelson	Schimek	Warner	Withem

Voting in the negative, 13:

Beyer	Coordsen	Haberman	Robak	Schmit
Chambers	Elmer	Langford	Rogers	Weihing
Chizek	Goodrich	Moore		

Present and not voting, 2:

Labedz Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 739 to Select File

Messrs. McFarland and Hall moved to return LB 739 to Select File for the following specific amendment:
FA298
Strike the enacting clause.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 630, 640, 653, 653A, 683, 683A, 705, and 710.

MOTION - Return LB 739 to Select File

The McFarland-Hall pending motion, found in this day's Journal, to return LB 739 to Select File for their specific amendment, FA298, was renewed.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Messrs. McFarland and Hall withdrew their motion to return.

MOTION - Bracket LB 739

Mr. McFarland moved to bracket LB 739 until after receiving the Governor's messages on LB 813 and 814.

Mrs. Langford 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 bracket lost with 14 ayes, 30 nays, and 5 present and not voting.

MOTION - Return LB 739 to Select File

Messrs. Hall and McFarland moved to return LB 739 to Select File for the following specific amendment:
FA299
1. Strike Section 2

Messrs. Hall and McFarland withdrew their motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 739.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2715.07, and 77-2716.01, Revised Statutes Supplement, 1988; to change provisions relating to the computation of income tax rates, income tax credits, and income tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Beck	Byars	Dierks	Hannibal
Ashford	Bernard-Stevens	Conway	Elmer	Hefner
Baack	Beyer	Coordsen	Goodrich	Johnson, L.
Barrett		Crosby	Haberman	Johnson, R.

Kristensen	Lynch	Robak	Smith	Weihing
Labedz	Moore	Schellpeper	Warner	Wesely
Lamb	Peterson	Schimek	Wehrbein	Withem
Langford	Pirsch	Schmit		

Voting in the negative, 11:

Chambers	Hartnett	Landis	McFarland	Nelson
Chizek	Korshoj	Lindsay	Morrissey	Rogers
Hall				

Present and not voting, 1:

Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 739, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hannibal	Lindsay	Schimek
Ashford	Conway	Hefner	Lynch	Schmit
Baack	Coordsen	Johnson, L.	McFarland	Smith
Barrett	Crosby	Johnson, R.	Moore	Warner
Beck	Dierks	Kristensen	Peterson	Wehrbein
Bernard-Stevens	Elmer	Labedz	Pirsch	Weihing
	Goodrich	Lamb	Robak	Wesely
Beyer	Haberman	Langford	Schellpeper	Withem
Byars				

Voting in the negative, 7:

Chambers	Hartnett	Landis	Morrissey	Nelson
Hall	Korshoj			

Present and not voting, 2:

Rogers Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

May 22, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 84 and 84A were received in my office on May 18, 1989.

This bill was signed by me on May 22, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

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 requests a record vote.

Mary Cabela - Nebraska Arts Council
Marilyn R. Mitchell - Nebraska Arts Council
Claudette Valentine - Nebraska Arts Council

VOTE: Aye - Senators Beck, Elmer, Hartnett, Labedz, and Smith. Absent - Senators Hall, R. Johnson, and Kristensen.

(Signed) Jacklyn Smith, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1989, at 1:55 p.m., were the following bills: 586, 586A, 603, 603A, 611, and 611A.

(Signed) Randy Tippin, Enrolling Clerk

Presented to the Governor on May 22, 1989, at 3:08 p.m., were the following bills: 630, 640, 653, 653A, 683, 683A, 705, and 710.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 744.

A BILL FOR AN ACT relating to education; to state findings and intent; to create the Nebraska Education Data Center; to create an advisory committee; to provide duties; to provide for statutory construction; to limit data collection as prescribed; to provide for the confidentiality of data; and to appropriate funds.

Mr. Withem requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Ashford	Chizek	Hannibal	Lynch	Scofield
Baack	Conway	Hartnett	McFarland	Warner
Barrett	Elmer	Kristensen	Morrissey	Wehrbein
Bernard-Stevens	Goodrich	Landis	Nelson	Wesely
Chambers	Hall	Lindsay	Schimek	Withem

Voting in the negative, 22:

Abboud	Beyer	Coordsen	Haberman	Johnson, L.
Beck	Byars	Dierks	Hefner	Korshoj

Labedz	Moore	Robak	Schellpeper	Smith
Lamb	Peterson	Rogers	Schmit	Weihing
Langford	Pirsch			

Present and not voting, 2:

Crosby Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 767. With Emergency.

A BILL FOR AN ACT relating to bingo, lotteries, and other gambling; to amend sections 9-202, 9-250, 9-254, 9-257, 9-310, 9-332, 9-335, 9-601, 9-603, 9-605, and 9-607 to 9-612, Reissue Revised Statutes of Nebraska, 1943, and sections 9-1,101, 9-201, 9-203, 9-209, 9-212, 9-226, 9-231, 9-234, 9-235.02, 9-235.03, 9-242, 9-244, 9-253, 9-266, 9-305.01, 9-306.01, 9-322, 9-326, 9-328, 9-329.02, 9-331, 9-340, 9-340.02, 9-344, 9-345.02, 9-346, 9-347, 9-347.01, 9-348, and 9-348.01, Revised Statutes Supplement, 1988; to change provisions relating to administration and enforcement of gambling statutes, the amount and distribution of certain taxes, the conduct of bingo and lotteries by the sale of pickle cards, and the renewal of certain licenses; to define and redefine terms; to change and provide for the regulation of lotteries conducted by counties, cities, and villages; to require elections and licensing as prescribed; to provide powers, duties, and restrictions on activities; to provide and change fees, administrative fines, penalties, and taxes; to eliminate filing requirements as prescribed; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also section 9-241, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Baack	Barrett	Beck

Bernard-Stevens	Goodrich	Kristensen	Moore	Schimek
Byars	Haberman	Labedz	Morrissey	Scofield
Chizek	Hall	Lamb	Nelson	Smith
Conway	Hannibal	Landis	Peterson	Warner
Coordsen	Hartnett	Langford	Pirsch	Wehrbein
Crosby	Hefner	Lindsay	Robak	Weihing
Dierks	Johnson, L.	Lynch	Rogers	Wesely
Elmer	Korshoj	McFarland	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Chambers	Johnson, R.	Schmit

Excused and not voting, 1:

Beyer

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 NICHOL PRESIDING

LEGISLATIVE BILL 767A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Byars	Elmer	Hefner	Lindsay
Baack	Chizek	Goodrich	Johnson, L.	Lynch
Barrett	Conway	Haberman	Korshoj	McFarland
Beck	Coordsen	Hall	Kristensen	Moore
Bernard-Stevens	Crosby	Hannibal	Lamb	Morrissey
	Dierks	Hartnett	Landis	Nelson

Peterson	Rogers	Scofield	Wehrbein	Wesely
Pirsch	Schellpeper	Smith	Weihing	Withem
Robak	Schimek	Warner		

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Johnson, R.	Labedz	Langford	Schmit
Chambers				

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 780.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-107, 53-109 to 53-112, 53-113, 53-114, 53-123.05, 53-132, 53-134, 53-159, 53-164.01, 53-172, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943; to change references to the secretary of the Nebraska Liquor Control Commission; to change a provision relating to compensation of employees of the commission; to eliminate certain oath and bond requirements; to change provisions relating to delivery of a resolution; to eliminate a requirement for the sale of beer; to eliminate a requirement that revenue stamps be attached to packages; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Bernard-	Conway	Goodrich	Johnson, L.
Baack	Stevens	Coordsen	Haberman	Johnson, R.
Barrett	Beyer	Crosby	Hannibal	Kristensen
Beck	Byars	Dierks	Hartnett	Lamb
	Chizek	Elmer	Hefner	Landis

Langford	Morrissey	Robak	Scofield	Weihing
Lindsay	Nelson	Rogers	Smith	Wesely
Lynch	Peterson	Schellpeper	Warner	Withem
Moore	Pirsch	Schimek	Wehrbein	

Voting in the negative, 3:

Ashford	Hall	Schmit

Present and not voting, 4:

Chambers	Korshoj	Labedz	McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Barrett moved to suspend the rules, Rule 6, Section 7(b) to permit consideration on final reading of LBs 137, 137A, 211, 215, 228, 352, 639, 761, 762, 762A, 815, 815A, 817, and 817A.

The Barrett motion to suspend the rules prevailed with 36 ayes, 0 nays, and 13 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide for increases in retirement benefits as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Beck	Beyer	Chizek	Dierks
Baack	Bernard-Stevens	Byars	Conway	Elmer
Barrett		Chambers	Crosby	Goodrich

Hall	Kristensen	McFarland	Robak	Smith
Hannibal	Labedz	Moore	Rogers	Warner
Hartnett	Lamb	Morrissey	Schellpeper	Wehrbein
Hefner	Landis	Nelson	Schimek	Weihing
Johnson, L.	Langford	Peterson	Schmit	Wesely
Johnson, R.	Lindsay	Pirsch	Scofield	Withem
Korshoj	Lynch			

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Coordsen	Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 137A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Hefner	Lindsay	Schimek
Ashford	Coordsen	Johnson, L.	Lynch	Schmit
Baack	Crosby	Johnson, R.	McFarland	Scofield
Barrett	Dierks	Korshoj	Moore	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Schellpeper	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Beck Morrissey 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 211.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Reissue Revised Statutes of Nebraska, 1943; to change the statute of limitations for certain offenses involving sexual assault; and to repeal the original section.

Whereupon the 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	Hefner	McFarland	Schimek
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Nelson	Smith
Beck	Dierks	Labedz	Peterson	Warner
Bernard-Stevens	Elmer	Lamb	Pirsch	Wehrbein
	Goodrich	Landis	Robak	Weihing
Beyer	Haberman	Langford	Rogers	Wesely
Byars	Hannibal	Lynch	Schellpeper	Withem

Voting in the negative, 8:

Ashford	Conway	Kristensen	Morrissey	Schmit
Chambers	Hall	Lindsay		

Present and not voting, 2:

Hartnett Korshoj

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 215.

A BILL FOR AN ACT relating to explosives; to amend sections 28-1216, 28-1218, 28-1225, 28-1226, 28-1229 to 28-1232, 28-1234 to 28-1235.01, 28-1238, 28-1252, and 81-502, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1213, 28-1215, 28-1217, and 28-1236, Revised Statutes Supplement, 1988; to provide powers and duties for the Nebraska State Patrol; to eliminate powers and duties of the State Fire Marshal; to change the term of storage permits 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, 47:

Abboud	Chizek	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Morrissey	Scofield
Barrett	Crosby	Johnson, R.	Nelson	Smith
Beck	Dierks	Korshoj	Peterson	Warner
Bernard-Stevens	Elmer	Kristensen	Pirsch	Wehrbein
	Goodrich	Labedz	Robak	Weihing
Beyer	Haberman	Lamb	Rogers	Wesely
Byars	Hall	Langford	Schellpeper	Withem
Chambers	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Landis Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 228.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Chizek	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
Beyer	Goodrich	Labedz	Pirsch	Weihing
Byars	Haberman	Lamb	Robak	Wesely
Chambers	Hall	Langford	Rogers	Withem
	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 352. With Emergency.

A BILL FOR AN ACT relating to administrative agencies; to amend sections 60-420 and 60-503, Reissue Revised Statutes of Nebraska, 1943; to change appeal procedures; 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, 49:

Abboud	Bernard-Stevens	Chizek	Elmer	Hartnett
Ashford	Beyer	Conway	Goodrich	Hefner
Baack	Byars	Coordsen	Haberman	Johnson, L.
Barrett	Chambers	Crosby	Hall	Johnson, R.
Beck		Dierks	Hannibal	Korshoj

Kristensen	Lindsay	Nelson	Schellpeper	Warner
Labedz	Lynch	Peterson	Schimek	Wehrbein
Lamb	McFarland	Pirsch	Schmit	Weihing
Landis	Moore	Robak	Scofield	Wesely
Langford	Morrissey	Rogers	Smith	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.

MOTION - Return LB 639 to Select File

Mr. Wesely moved to return LB 639 to Select File for the following specific amendment:
FA300
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 639.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1201.07, 81-1201.08, 81-1201.10, 81-1201.14, 81-1201.15, 81-1201.16, 81-1201.18, 81-1273, 81-1274, 81-1275, 81-1276, and 81-1277, Reissue Revised Statutes of Nebraska, 1943; to rename and eliminate certain divisions within the department; to provide duties for such renamed divisions; to harmonize provisions; and to repeal the original sections, and also section 81-1201.17, 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	Byars	Haberman	Langford	Robak
Ashford	Chizek	Hall	Lynch	Schellpeper
Baack	Conway	Hefner	McFarland	Schimek
Barrett	Coordsen	Johnson, L.	Moore	Scofield
Beck	Crosby	Johnson, R.	Morrissey	Smith
Bernard-Stevens	Dierks	Kristensen	Peterson	Wehrbein
Beyer	Elmer	Lamb	Pirsch	Weihing
	Goodrich			

Voting in the negative, 8:

Chambers	Korshoj	Lindsay	Warner	Wesely
Hannibal	Landis	Schmit		

Present and not voting, 5:

Hartnett	Labedz	Nelson	Rogers	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761. With Emergency.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-1590, 81-1591, 81-15,101, 81-15,101.02, and 81-15,106, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1578, 81-1579.01, 81-1581, 81-15,101.01, 81-15,101.03, 81-15,104, and 81-15,113.01, Revised Statutes Supplement, 1988; to state intent; to define and redefine terms; to change provisions relating to Nebraska's representation on the Central Interstate Low-Level Radioactive Waste Compact Commission; to change licensure provisions; to change membership provisions and provide immunity from liability and additional powers for local monitoring committees; to provide for technical assistance as prescribed; to provide for an appropriation; to change provisions relating to fees and the use of funds as prescribed; to provide additional building requirements for a facility; to authorize a special assessment against generators; to change provisions relating to the term of a license; to impose a surcharge on facility users; to provide for distribution of the surcharge; to provide for studies of a distribution formula and liability issues; to prohibit receipt of wastes as prescribed; to provide for water sampling and analysis and testing of agricultural products; to provide for training for emergencies; to harmonize provisions; to

repeal the original sections, and also Laws 1983, LB 200, section 2; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hefner	Lindsay	Schimek
Ashford	Conway	Johnson, L.	Lynch	Schmit
Baack	Coordsen	Johnson, R.	Morrissey	Scofield
Barrett	Crosby	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Labedz	Pirsch	Wehrbein
	Haberman	Lamb	Robak	Weihing
Beyer	Hall	Landis	Rogers	Wesely
Byars	Hannibal	Langford	Schellpeper	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Dierks	McFarland	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 762.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1735, 77-1736.04, and 77-3509, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1510, 77-1734.01, 77-1775, 77-1777, and 77-2701, Revised Statutes Supplement, 1988; to change provisions relating to the refund and credit of property taxes; to provide procedures; to define a term; to change provisions relating to homestead exemptions for veterans; to authorize the disclosure of certain information; to harmonize provisions; to eliminate refund procedures, applicability provisions, and a definition; and to repeal the original sections, and also sections 77-1736, 77-1736.05, 77-1736.08, and 77-1736.09, Reissue Revised Statutes of Nebraska,

1943, and sections 77-1736.11 and 77-1776, Revised Statutes Supplement, 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, 48:

Abboud	Chizek	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Kristensen	Nelson	Warner
Bernard-Stevens	Elmer	Labedz	Peterson	Wehrbein
	Goodrich	Lamb	Pirsch	Weihing
Beyer	Haberman	Landis	Robak	Wesely
Byars	Hall	Langford	Rogers	Withem
Chambers	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

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: 739, 739A, 744, 767, 767A, 780, 137, 137A, 211, 215, 228, 352, 639, and 761.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 762A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 762, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
	Goodrich	Labedz	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Chambers	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Langford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 815.

A BILL FOR AN ACT relating to state government; to amend sections 49-1401 and 49-1495, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the cost of providing copies; to provide duties; to create and authorize funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Bernard-Stevens	Byars	Conway
Ashford	Beck		Chambers	Coordsen
Baack		Beyer	Chizek	Crosby

Dierks	Hefner	Landis	Nelson	Schmit
Elmer	Johnson, L.	Langford	Peterson	Scofield
Goodrich	Johnson, R.	Lindsay	Pirsch	Smith
Haberman	Korshoj	Lynch	Robak	Warner
Hall	Kristensen	McFarland	Rogers	Wehrbein
Hannibal	Labedz	Moore	Schellpeper	Wesely
Hartnett	Lamb	Morrissey	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Weihing

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 815A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 815, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Scofield
Barrett	Crosby	Johnson, R.	Moore	Smith
Beck	Dierks	Korshoj	Morrissey	Warner
Bernard-Stevens	Elmer	Kristensen	Nelson	Wehrbein
	Goodrich	Labedz	Peterson	Weihing
Beyer	Haberman	Lamb	Pirsch	Wesely
Byars	Hall	Landis	Robak	Withem
Chambers	Hannibal	Langford	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT to establish certain parts of the boundary between South Dakota and Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	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.

Mrs. Pirsch and Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 817A to Select File

Mr. Conway moved to return LB 817A to Select File for the following specific amendment:
FA301
Strike the enacting clause.

The Conway motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 817A. The Conway specific amendment, FA301, found in this day's Journal, was adopted with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

LB 817A stands indefinitely postponed.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 762, 762A, 815, 815A, and 817.

MOTION - Return LB 683 and LB 683A

Mr. Warner moved to request the Governor to return LB 683 and LB 683A for further consideration and later reconsideration on final reading for technical or clarifying amendments.

Laid over.

VISITORS

Visitors to the Chamber were seven ninth grade students and a teacher from Milligan.

ADJOURNMENT

At 5:31 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 8:00 a.m., Tuesday, May 23, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 23, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 23, 1989

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Homer Clements, St. Lukes United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Beyer, Byars, Chambers, Goodrich, Hannibal, R. Johnson, Landis, Moore, Schmit, Wesely, Withem, Mmes. Beck, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Eighth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1989, at 5:46 p.m., were the following bills: 767, 767A, 137, 137A, 744, 780, 739, 739A, 211, 215, 228, 352, 639, 761, 762, 762A, 815, 815A, and 817.

(Signed) Randy Tippin, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 115. Read. Considered.

LR 115 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 213. Read. Considered.

LR 213 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 214. Read. Considered.

LR 214 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 215. Read. Considered.

LR 215 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 217. Read. Considered.

LR 217 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 218. Read. Considered.

LR 218 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 220. Read. Considered.

LR 220 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 221. Read. Considered.

LR 221 was adopted with 28 ayes, 0 nays, and 21 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LR 218.

(Signed) Dennis M. Byars

RESOLUTIONS

LEGISLATIVE RESOLUTION 222. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford,

36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

PURPOSE: The purpose of this resolution is to examine prison population issues and any potential alternatives to alleviate prison overcrowding. Such study shall specifically: Identify the causes of Nebraska's prison overcrowding, including the impact of (1) institutional rules and their issuance, promulgation and enforcement and the institutional disciplinary system, (2) infractions and punishments which lengthen an inmate's stay, and (3) training, competence, supervision, and pay of guards and other employees who have contact with inmates; the current use of pretrial diversion, probation, and parole; sentencing practices, including the impact of race and gender on sentencing, and the range of sanctions available to sentencing judges; and potential alternatives to incarceration in adult and juvenile facilities.

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

1. That the Executive Board of the Legislative Council shall appoint a select committee on prison overcrowding and related issues. The Chairpersons of the Appropriations, Judiciary, and Government, Military and Veterans Affairs Committees shall submit the names of two of their respective committee members to the executive board, which shall appoint them and one member of the executive board to the select committee. The select committee shall elect a chairperson from among its membership and may appoint a project director.

2. The select committee shall draft a study plan defining the objectives of the study and may designate a project team from among legislative offices.

3. The select committee shall strongly consider obtaining the services of one or more persons or firms with nationally recognized expertise in the field of criminal justice to aid in carrying out the purposes of this resolution.

4. The study shall include in its findings (a) an estimate of how much, if any, capacity needs to be added to the facilities of the Department of Correctional Services if no new alternatives to incarceration are implemented and (b) an estimate of how much, if any, capacity needs to be added to the facilities of the Department of Correctional Services if any of the alternatives to incarceration recommended by the study are implemented.

5. The select committee shall develop a long-range plan relating to prison overcrowding and related issues and shall, prior to January 1,

1990, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, pursuant to the provisions of sections 85-404 and 85-408, the plans for construction, financing, and use of existing Student Fees and Facilities Revenue Bond funds for the construction of Phases I and II of a campus recreation/athletic facility on the University of Nebraska-Lincoln campus were approved in 1987 by Legislative Resolution 69 as adopted by the Ninetieth Legislature; and

WHEREAS, Legislative Resolution 69 approved Phase III of the project but required that should the University of Nebraska elect to issue revenue bonds for Phase III, there would be a supplement to the financing plans submitted for specific approval by the Legislature pursuant to section 85-404; and

WHEREAS, the University of Nebraska has submitted financing plans for Phase III which provide for the issuance of bond anticipation notes in an amount not to exceed $4,925,000. These notes would be refunded by the issuance of revenue bonds under the 1964-66 University of Nebraska Student Fees and Facilities Revenue Bond Resolution. If more favorable bond conditions prevail at the time financing is conducted, the financing plans would not involve issuing bond anticipation notes but would provide for direct issue of serial revenue bonds; and

WHEREAS, Phase III will add exterior and interior improvements to the coliseum as part of the campus recreation/athletic facility project to accommodate four multipurpose courts, fitness facilities, laboratories, and offices for the School of Health, Physical Education, and Recreation, general purpose classrooms, intercollegiate athletic offices, training rooms, practice and competition courts for the women's intercollegiate volleyball team, and general locker and shower rooms; and

WHEREAS, the University of Nebraska would pledge to the retirement of the bonds funds generated from the capital facilities assessment on home football game tickets.

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

1. That pursuant to the provisions of section 85-404 and Legislative Resolution 69 adopted by the Ninetieth Legislature, supplemental financing plans for Phase III which call for the issuance of bond anticipation notes and/or revenue bonds in an amount not to exceed $4,925,000 are hereby approved.

Laid over.

UNANIMOUS CONSENT - Unbracket LB 147A

Mr. Schmit asked unanimous consent to unbracket LB 147A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 147A. Mr. Schmit moved to indefinitely postpone.

The Schmit motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to courts; to amend sections 5-105 and 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of judges of the district court; to increase the number of judges of the separate juvenile court in certain 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, 46:

Abboud	Baack	Beck	Bernard-Stevens	Beyer
Ashford	Barrett			Byars

Chizek	Hall	Landis	Peterson	Scofield
Conway	Hartnett	Langford	Pirsch	Smith
Coordsen	Hefner	Lindsay	Robak	Warner
Crosby	Johnson, L.	Lynch	Rogers	Wehrbein
Dierks	Johnson, R.	McFarland	Schellpeper	Weihing
Elmer	Kristensen	Moore	Schimek	Wesely
Goodrich	Labedz	Morrissey	Schmit	Withem
Haberman	Lamb	Nelson		

Voting in the negative, 1:

Korshoj

Present and not voting, 1:

Hannibal

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 487. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-314, 79-449.01, 79-451, 79-486, 79-1302, 79-1306, 79-1331, 79-1333, 79-1333.02, and 79-3301, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102, 79-4,141.01, and 79-4,207, Revised Statutes Supplement, 1988; to change due dates, filing requirements, and other provisions related to various reports; to eliminate a school district's option concerning designation of the school certain children must attend; to require the county superintendent to prepare budgets when a school district fails to do so; to change provisions relating to the distribution of school funds to a county with only one school district as prescribed; to eliminate a January school district membership report; to change the fiscal year for special education programs and authorize the use of appropriated funds as prescribed; to eliminate a provision on failure of certain school districts to vote a levy or provide a school and provisions on the Nebraska Commission for Special Education; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 79-512.01 and

79-3201 to 79-3204, 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	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Byars	Hannibal	Langford	Rogers	Withem
Chizek	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 487A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 487, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Baack	Beck	Bernard-Stevens	Beyer
Ashford	Barrett			Byars

Chambers	Haberman	Kristensen	Morrissey	Scofield
Chizek	Hall	Labedz	Nelson	Smith
Conway	Hannibal	Lamb	Peterson	Warner
Coordsen	Hartnett	Landis	Robak	Wehrbein
Crosby	Hefner	Lindsay	Schellpeper	Weihing
Dierks	Johnson, L.	Lynch	Schimek	Wesely
Elmer	Johnson, R.	McFarland	Schmit	Withem
Goodrich	Korshoj	Moore		

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Langford Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Barrett moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of those bills bracketed on Final Reading for May 24, 1989.

The Barrett motion to suspend the rules prevailed with 41 ayes, 0 nays, and 8 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 75.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-344, Reissue Revised Statutes of Nebraska, 1943; to change a penalty for registration in the incorrect county or location; and to repeal the original section.

Whereupon the 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	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
Beyer	Goodrich	Labedz	Peterson	Wehrbein
Byars	Haberman	Lamb	Pirsch	Weihing
Chambers	Hall	Landis	Robak	Wesely
	Hannibal	Langford	Rogers	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 89.

A BILL FOR AN ACT relating to education; to adopt the Help Education Lead to Prosperity Act; and to provide a termination date for such 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, 37:

Ashford	Chizek	Johnson, L.	McFarland	Scofield
Baack	Conway	Johnson, R.	Moore	Smith
Beck	Crosby	Korshoj	Nelson	Warner
Bernard-Stevens	Goodrich	Kristensen	Pirsch	Wehrbein
Beyer	Haberman	Labedz	Robak	Weihing
Byars	Hall	Landis	Schimek	Wesely
Chambers	Hannibal	Lindsay	Schmit	Withem
	Hartnett	Lynch		

Voting in the negative, 12:

Abboud	Barrett	Coordsen	Dierks	Elmer

Hefner	Langford	Peterson	Rogers	Schellpeper
Lamb	Morrissey			

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 89A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Ninety-first Legislature, First Session, 1989; to provide powers and duties; and to increase expenditure limitations as provided.

Whereupon the 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	Chambers	Hartnett	Lynch	Schmit
Ashford	Chizek	Johnson, L.	McFarland	Scofield
Baack	Conway	Johnson, R.	Moore	Smith
Barrett	Crosby	Korshoj	Morrissey	Warner
Beck	Elmer	Kristensen	Nelson	Wehrbein
Bernard-Stevens	Goodrich	Labedz	Pirsch	Weihing
	Haberman	Landis	Robak	Wesely
Beyer	Hall	Lindsay	Schimek	Withem
Byars	Hannibal			

Voting in the negative, 2:

Hefner	Lamb

Present and not voting, 6:

Coordsen	Langford	Peterson	Rogers	Schellpeper
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 177 to Select File

Mr. Moore moved to return LB 177 to Select File for the following specific amendment:
FA302
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to foreign relations; to adopt the Protocol 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, 25:

Ashford	Conway	Johnson, R.	McFarland	Schimek
Baack	Coordsen	Kristensen	Morrissey	Schmit
Barrett	Dierks	Labedz	Robak	Weihing
Bernard-Stevens	Goodrich	Lindsay	Rogers	Wesely
Chambers	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 20:

Abboud	Elmer	Hefner	Langford	Pirsch
Beck	Haberman	Johnson, L.	Moore	Scofield
Beyer	Hall	Korshoj	Nelson	Smith
Byars	Hannibal	Lamb	Peterson	Warner

Present and not voting, 4:

Chizek	Crosby	Landis	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 177A to Select File

Mr. Moore moved to return LB 177A to Select File for the following specific amendment:
FA303
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 177A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 177, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Chambers	Johnson, R.	Lynch	Schellpeper
Ashford	Chizek	Kristensen	McFarland	Schimek
Baack	Dierks	Labedz	Nelson	Weihing
Barrett	Goodrich	Landis	Robak	Wesely
Bernard-Stevens	Hartnett	Lindsay	Rogers	Withem

Voting in the negative, 19:

Beck	Elmer	Hefner	Langford	Scofield
Beyer	Haberman	Johnson, L.	Moore	Smith
Byars	Hall	Korshoj	Peterson	Warner
Conway	Hannibal	Lamb	Pirsch	

Present and not voting, 5:

Coordsen	Crosby	Morrissey	Schmit	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Bracket LB 187 and 187A

Mr. Lynch asked unanimous consent to bracket LB 187 and 187A until January 3, 1990. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-918, Reissue Revised Statutes of Nebraska, 1943, and section 84-917, Revised Statutes Supplement, 1988; to change provisions relating to the standard of review of agency decisions as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	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 258. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-432.01, 37-439, 39-2215, 66-421, 66-467.01, 66-479, 66-605, and 77-2791, Reissue Revised Statutes of Nebraska, 1943, and sections 66-473, 66-605.02, 77-27,132, and 77-4025, Revised Statutes Supplement, 1988; to eliminate the Tax Refund Fund; to provide for the payment of credits and refunds as prescribed; to create the Revenue Distribution Fund; to provide for the transfer of funds; 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, 49:

Abboud	Chizek	Hartnett	Lindsay	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	McFarland	Schmit
Barrett	Crosby	Johnson, R.	Moore	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Warner
	Goodrich	Labedz	Peterson	Wehrbein
Beyer	Haberman	Lamb	Pirsch	Weihing
Byars	Hall	Landis	Robak	Wesely
Chambers	Hannibal	Langford	Rogers	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 272. With Emergency.

A BILL FOR AN ACT relating to banking; to amend sections 45-101.04 and 45-190, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1988; to authorize acquisition of detached auxiliary offices of banks as prescribed; to change provisions relating to exceptions to the maximum interest rate; to redefine a term; to adopt the Mortgage Bankers Registration and Licensing Act; to provide penalties; to provide operative dates; 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, 47:

Abboud	Chizek	Hartnett	McFarland	Schimek
Ashford	Conway	Hefner	Moore	Schmit
Baack	Coordsen	Johnson, L.	Morrissey	Scofield
Barrett	Crosby	Korshoj	Nelson	Smith
Beck	Dierks	Kristensen	Peterson	Warner
Bernard-Stevens	Elmer	Labedz	Pirsch	Wehrbein
	Goodrich	Lamb	Robak	Weihing
Beyer	Haberman	Landis	Rogers	Wesely
Byars	Hall	Langford	Schellpeper	Withem
Chambers	Hannibal	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

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 279. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2002, 44-2006, 44-3503, 44-4216, 44-4217, 44-4220, 44-4222, 44-4227, and 44-4228, Reissue Revised Statutes of Nebraska, 1943, and section 44-3904, Reissue Revised Statutes of Nebraska, 1943, as amended by section 244, Legislative Bill 92, Ninety-first Legislature,

First Session, 1989; to change certificate of authority requirements; to change a fee for docketing certain foreign decrees; to exempt certain service contracts from insurance provisions; to change continuing education requirements relating to title insurance licensees; to change provisions relating to the Comprehensive Health Insurance Pool; to provide requirements for payments for pharmacy services; 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, 44:

Abboud	Chambers	Hall	Lamb	Robak
Ashford	Chizek	Hannibal	Lindsay	Rogers
Baack	Conway	Hartnett	Lynch	Schellpeper
Barrett	Coordsen	Hefner	McFarland	Schimek
Beck	Crosby	Johnson, L.	Moore	Scofield
Bernard-Stevens	Dierks	Johnson, R.	Morrissey	Smith
Beyer	Elmer	Korshoj	Nelson	Weihing
Byars	Goodrich	Kristensen	Peterson	Wesely
	Haberman	Labedz	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 5:

Landis	Langford	Schmit	Warner	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.

UNANIMOUS CONSENT - Members Excused

Messrs. Hannibal, Landis, and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 147, 487, 487A, 75, 89, 89A, 177, and 177A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 289. With Emergency.

A BILL FOR AN ACT relating to petroleum releases; to amend sections 81-15,117, 81-15,119, and 81-15,124, Reissue Revised Statutes of Nebraska, 1943; to adopt the Petroleum Release Remedial Action Act; to redefine a term; to provide for rules and regulations; 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, 44:

Abboud	Chambers	Hefner	Lynch	Schellpeper
Ashford	Chizek	Johnson, L.	McFarland	Schimek
Baack	Conway	Johnson, R.	Moore	Schmit
Barrett	Coordsen	Korshoj	Morrissey	Scofield
Beck	Dierks	Kristensen	Nelson	Smith
Bernard-Stevens	Elmer	Labedz	Peterson	Wehrbein
	Goodrich	Lamb	Pirsch	Weihing
Beyer	Haberman	Langford	Robak	Wesely
Byars	Hall	Lindsay	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby Hartnett

Excused and not voting, 3:

Hannibal Landis Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 289A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chambers	Hall	Lynch	Schellpeper
Ashford	Chizek	Hefner	McFarland	Schimek
Baack	Conway	Johnson, L.	Moore	Schmit
Barrett	Coordsen	Johnson, R.	Morrissey	Scofield
Beck	Crosby	Korshoj	Nelson	Smith
Bernard-Stevens	Dierks	Kristensen	Peterson	Wehrbein
	Elmer	Labedz	Pirsch	Weihing
Beyer	Goodrich	Lamb	Robak	Wesely
Byars	Haberman	Lindsay	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Langford

Excused and not voting, 3:

Hannibal Landis Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Bracket LB 311

Ms. Scofield moved to bracket LB 311 until January 3, 1990.

Ms. Scofield withdrew her motion to bracket.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 311. With Emergency.

A BILL FOR AN ACT relating to wastewater treatment facilities; to amend sections 58-201, 58-202, 58-203, 58-214, 58-219, and 84-1409, Reissue Revised Statutes of Nebraska, 1943, and sections 81-15,147, 81-15,148, 81-15,151, 81-15,152, and 81-15,153, Revised Statutes Supplement, 1988; to restate intent; to redefine terms; to authorize the financing of wastewater treatment facilities through the Nebraska Investment Finance Authority; to change provisions relating to the funding of projects from the Wastewater Treatment Facilities Construction Loan Fund; to create a fund; to provide powers and duties; to provide for a lien of any pledge of the fund or any assets of the fund; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 23:

Ashford	Hall	Lamb	Nelson	Wehrbein
Baack	Hartnett	Landis	Schellpeper	Weihing
Byars	Hefner	Lynch	Schimek	Wesely
Crosby	Johnson, L.	McFarland	Warner	Withem
Dierks	Johnson, R.	Morrissey		

Voting in the negative, 17:

Abboud	Coordsen	Korshoj	Langford	Schmit
Beck	Elmer	Kristensen	Pirsch	Scofield
Beyer	Goodrich	Labedz	Robak	Smith
Conway	Haberman			

Present and not voting, 8:

Barrett	Bernard-Stevens	Chambers	Lindsay	Peterson
		Hannibal	Moore	Rogers

Excused and not voting, 1:

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, 25:

Ashford	Hall	Lamb	Morrissey	Warner
Baack	Hartnett	Landis	Nelson	Wehrbein
Byars	Hefner	Lynch	Rogers	Weihing
Crosby	Johnson, L.	McFarland	Schellpeper	Wesely
Dierks	Johnson, R.	Moore	Schimek	Withem

Voting in the negative, 18:

Abboud	Bernard-Stevens	Coordsen	Kristensen	Robak
Barrett		Elmer	Labedz	Schmit
Beck	Beyer	Haberman	Lindsay	Scofield
	Conway	Korshoj	Pirsch	Smith

Present and not voting, 5:

Chambers	Goodrich	Hannibal	Langford	Peterson

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 213, 258, 272, 279, 289, and 289A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 355. With Emergency.

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 provide for the collection and credit of fees as prescribed; to eliminate existing law relating to medication assistants; to provide severability; to repeal section 71-2017.02, 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, 41:

Abboud	Conway	Hartnett	Landis	Robak
Ashford	Coordsen	Hefner	Lindsay	Schellpeper
Baack	Crosby	Johnson, L.	McFarland	Schmit
Barrett	Dierks	Johnson, R.	Moore	Scofield
Beck	Elmer	Korshoj	Morrissey	Smith
Bernard-Stevens	Goodrich	Kristensen	Nelson	Weihing
Beyer	Haberman	Labedz	Peterson	Wesely
Byars	Hall	Lamb	Pirsch	Withem
	Hannibal			

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Lynch	Schimek	Warner	Wehrbein
Langford	Rogers			

Excused and not voting, 1:

Chizek

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 BARRETT PRESIDING

LEGISLATIVE BILL 355A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chambers	Hannibal	Landis	Robak
Ashford	Conway	Hartnett	Lindsay	Schellpeper
Baack	Coordsen	Hefner	Lynch	Schimek
Barrett	Crosby	Johnson, L.	McFarland	Scofield
Beck	Dierks	Johnson, R.	Moore	Smith
Bernard-Stevens	Elmer	Korshoj	Morrissey	Wehrbein
	Goodrich	Kristensen	Nelson	Weihing
Beyer	Haberman	Labedz	Peterson	Wesely
Byars	Hall	Lamb	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 4:

Langford	Rogers	Schmit	Warner

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 357.

A BILL FOR AN ACT relating to nurses; to adopt the Nursing Student Tuition Assistance and Rural Practice Incentive 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, 33:

Abboud	Conway	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, R.	Lynch	Schimek
Baack	Crosby	Korshoj	McFarland	Smith
Bernard-Stevens	Dierks	Kristensen	Morrissey	Wehrbein
Byars	Goodrich	Labedz	Nelson	Wesely
Chambers	Haberman	Landis	Peterson	Withem
	Hartnett	Langford	Robak	

Voting in the negative, 14:

Barrett	Elmer	Johnson, L.	Pirsch	Warner
Beck	Hall	Lamb	Rogers	Weihing
Beyer	Hannibal	Moore	Scofield	

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 357A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 357,

Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Conway	Hefner	Lindsay	Schellpeper
Ashford	Coordsen	Johnson, R.	Lynch	Schimek
Baack	Crosby	Korshoj	McFarland	Smith
Bernard-Stevens	Dierks	Kristensen	Morrissey	Wehrbein
Byars	Goodrich	Labedz	Nelson	Weihing
Chambers	Haberman	Landis	Peterson	Wesely
	Hartnett	Langford	Robak	Withem

Voting in the negative, 13:

Barrett	Elmer	Johnson, L.	Pirsch	Scofield
Beck	Hall	Lamb	Rogers	Warner
Beyer	Hannibal	Moore		

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Chizek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 362.

A BILL FOR AN ACT relating to social services; to amend sections 43-512, 68-128, 68-717, and 68-1016, Reissue Revised Statutes of Nebraska, 1943, and sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, 68-1038, 68-1039, 68-1040, 68-1042, 68-1043, and 68-1509, Revised Statutes Supplement, 1988; to change provisions relating to benefits available to former recipients of aid to dependent children; to change provisions relating to spousal entitlements to assets and

income; to eliminate a restriction on designation of assets; to eliminate authorization for a claim against the estate of a recipient of medical assistance or his or her spouse; to require the Department of Social Services to provide emergency assistance; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 68-1041 and 68-1044 to 68-1046, Revised Statutes Supplement, 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, 48:

Abboud	Conway	Hefner	Lynch	Schimek
Ashford	Coordsen	Johnson, L.	McFarland	Schmit
Baack	Crosby	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Byars	Hannibal	Langford	Rogers	Withem
Chambers	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 362A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, Ninety-first Legislature, First Session, 1989.

Whereupon the 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	Hefner	McFarland	Schimek
Ashford	Coordsen	Johnson, L.	Moore	Schmit
Baack	Crosby	Korshoj	Morrissey	Scofield
Barrett	Dierks	Kristensen	Nelson	Smith
Beck	Elmer	Labedz	Peterson	Warner
Bernard-Stevens	Goodrich	Lamb	Pirsch	Wehrbein
	Haberman	Landis	Robak	Weihing
Beyer	Hall	Lindsay	Rogers	Wesely
Byars	Hannibal	Lynch	Schellpeper	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Langford

Excused and not voting, 1:

Chizek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 377.

A BILL FOR AN ACT relating to property; to amend sections 15-847, 16-715, 72-1268.04, 77-2306, 77-2344, and 77-2355, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2320, 77-2326.04, and 77-2352, Revised Statutes Supplement, 1988; to adopt the Uniform Statutory Rule Against Perpetuities Act; to provide for additional security to be deposited or pledged in lieu of bond by certain banks and savings and loan associations 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, 48:

Abboud	Ashford	Baack	Barrett	Beck

Bernard-Stevens	Dierks	Johnson, R.	McFarland	Schmit
Beyer	Elmer	Korshoj	Moore	Scofield
Byars	Goodrich	Kristensen	Morrissey	Smith
Chambers	Haberman	Labedz	Nelson	Warner
Chizek	Hall	Lamb	Peterson	Wehrbein
Conway	Hannibal	Landis	Pirsch	Weihing
Coordsen	Hartnett	Langford	Robak	Wesely
Crosby	Hefner	Lindsay	Rogers	Withem
	Johnson, L.	Lynch	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1989, at 10:12 a.m., were the following bills: 147, 487, 487A, 75, 89, 89A, 177, and 177A.

(Signed) Jan Loder, Enrolling Clerk

Presented to the Governor on May 23, 1989, at 11:02 a.m., were the following bills: 213, 258, 272, 279, 289, and 289A.

(Signed) Randy Tippin, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 311

(Signed) John C. Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 224. Introduced by Conway, 17th District.

WHEREAS, the Wayne High School Blue Devils golf team has won its second state championship title in five years; and

WHEREAS, the Blue Devils golf team carded a score of 315 which was sixteen strokes better than the second-place team; and

WHEREAS, the five-some which won the championship consisted of: Eric Runestad, Jed Reeg, Robb Reeg, Elliot Salmon, and Kevin Hausmann; and

WHEREAS, the Blue Devils golf team is coached by Terry Munson.

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

1. That the legislature extends its congratulations to Coach Terry Munson and the Wayne High School Blue Devils golf team.

2. That a copy of this resolution be sent to the coach and team.

Laid over.

LEGISLATIVE RESOLUTION 225. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, the current health insurance carrier for State of Nebraska employees has submitted a bid to continue current insurance coverage at specific rates for the period August 1, 1989, to July 31, 1991, and such bid has been accepted by the State of Nebraska; and

WHEREAS, it is the position of the State of Nebraska that such bid is a legally binding obligation on the insurance carrier for the period, conditions, and amounts specified in the bid; and

WHEREAS, the carrier has presented evidence that such obligation could result in material financial losses to the carrier and such evidence has been confirmed by an independent consultant retained by the Legislature; and

WHEREAS, the report of the independent consultant has been distributed to all members of the Legislature prior to the consideration of this resolution by the Legislature and is also on file with the Clerk of the Legislature and available for public inspection; and

WHEREAS, the projected financial losses to the carrier will be caused primarily by significant increases in paid claims for the new

plan year exceeding the projected trends of claim utilization used by the carrier in preparing its bid, which trends did not fully anticipate such increases in paid claims; and

WHEREAS, a request has been made by the insurance carrier for additional appropriations which would be available to compensate it for actual claims paid during the first year of the plan, which claims are in excess of the claims experience upon which the original bid was based; and

WHEREAS, it is recognized that the request of the insurance carrier is for claims payments in excess of the current legal obligation of the State of Nebraska for the plan period August 1, 1989, to July 31, 1990, and that such payments could have an impact on the relative contribution levels of the State of Nebraska and its employees and on collective bargaining provisions pertaining to such contribution levels; and

WHEREAS, the contract between the carrier and the State of Nebraska provides an option for either party to cancel the contract upon ninety days' notice and an option for the carrier to cancel the contract upon thirty days' notice upon a ten percent change in enrollment of state employees in its plan; and

WHEREAS, the Legislature recognizes the value of health insurance coverage to state employees and the essential nature of continuous, reliable coverage as evidenced by the appropriation of $35,000 to the Department of Personnel to study the state's current health insurance plan; and

WHEREAS, the Legislature has fully appropriated in section 90 of Legislative Bill 813, Ninety-first Legislature, First Session, 1989, all anticipated receipts and balances of the State Employees Insurance Fund, a trust fund, for FY1989-90 and FY1990-91, and such fund is projected to have an unobligated balance of $1.7 million on June 30, 1990.

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

1. That the Governor and appropriate administration officials investigate all options to secure continuous health insurance coverage for state employees, including, but not limited to, the following:

(a) Enforcing upon the insurance carrier the current obligation as bid;

(b) Renegotiating with the insurance carrier the terms, conditions, and costs of the bid;

(c) Reactivating the bidding process and actively pursuing other bidders, either with the current plan or with a redesigned plan; and

(d) Self-insurance.

2. That in investigating such options, the Governor and the appropriate administration officials shall consult with the appropriate state employee representatives.

3. That the Governor, as chief executive officer of the State of Nebraska, execute due responsibility, fiduciary and otherwise, in utilizing the unobligated appropriations of the State Employees Insurance Fund once a course of action has been chosen to secure health insurance for state employees.

4. That in the event of renegotiation with the insurance carrier resulting in a satisfactory agreement, it is the direction of the Legislature that no funds compensating the insurance carrier for claim losses in excess of the claims cap in effect for the plan year August 1, 1989, to July 31, 1990, be expended from the State Employee Insurance Fund until after July 31, 1990. Any such disbursement shall require the insurance carrier to certify to the state actual claims and claim losses in excess of the cap, and upon verification by the state of such certifications, compensation may be made in accordance with any renegotiated agreement.

5. That a copy of this resolution be delivered to the Governor.

Laid over.

LEGISLATIVE RESOLUTION 226. Introduced by Pirsch, 10th District; Beck, 8th District; Hannibal, 4th District; Ashford, 6th District; Chizek, 31st District; Hall, 7th District; Labedz, 5th District; Lynch, 13th District; Chambers, 11th District; Abboud, 12th District.

WHEREAS, Jack Hallstrom has been principal at the elementary, junior high, and senior high school levels in Omaha for twenty-nine years, including serving as principal of Northwest High School in Omaha for eighteen years since it opened in 1971; and

WHEREAS, Jack Hallstrom has been a dedicated professional as a teacher and an administrator in the Omaha Public Schools for thirty-seven years; and

WHEREAS, Jack Hallstrom's professional career has had a tremendous influence on the lives of many of our schoolchildren; and

WHEREAS, Jack Hallstrom will be retiring on August 31, 1989.

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

1. That the Nebraska Legislature applauds and commends Jack Hallstrom for his contributions to education.

2. That the Legislature wishes Jack Hallstrom a happy and long retirement.

3. That a copy of this resolution be presented to Jack Hallstrom at his retirement dinner on June 2, 1989, in Omaha.

Laid over.

MOTION - Bracket LB 272A

Mr. Landis moved to bracket LB 272A until Wednesday, May 24, 1989.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Landis motion to bracket lost with 18 ayes, 24 nays, and 7 present and not voting.

Mr. Landis moved to bracket LB 272A until January 3, 1990.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

The Landis motion to bracket prevailed with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 355, 355A, 357, 357A, 362, 362A, 311, and 377.

VISITORS

Visitors to the Chamber were 47 fourth grade students and teacher from Benson West Elementary School, Omaha; 61 fourth grade

students and teachers from Sandoz Elementary School, Omaha; and Kathy and Jason Andersen from Lakeside.

RECESS

At 11:58 a.m., on a motion by Mr. Hefner, 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. Conway, Mmes. Langford, Nelson, Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 525. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Social Services to provide for rate increases for noninstitutional medical providers and for hospitals; to appropriate funds for state aid to counties and to education; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Abboud	Byars	Haberman	Labedz	Schellpeper
Ashford	Chizek	Hannibal	Lamb	Schmit
Baack	Coordsen	Hartnett	McFarland	Scofield
Barrett	Crosby	Hefner	Moore	Smith
Beck	Dierks	Johnson, L.	Morrissey	Warner
Bernard-Stevens	Elmer	Korshoj	Peterson	Wehrbein
Beyer	Goodrich	Kristensen	Rogers	Weihing

Voting in the negative, 6:

Hall	Landis	Lindsay	Wesely	Withem
Johnson, R.				

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 6:

Conway	Nelson	Pirsch	Robak	Schimek
Langford				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 566.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988, as amended by section 2, Legislative Bill 714, Ninety-first Legislature, First Session, 1989, and section 1, Legislative Bill 793, Ninety-first Legislature, First Session, 1989; to redefine the term occasional sale; and to repeal the original section.

Whereupon the 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	Hefner	Lynch	Schimek
Ashford	Conway	Johnson, L.	McFarland	Schmit
Baack	Coordsen	Johnson, R.	Moore	Scofield
Barrett	Dierks	Korshoj	Morrissey	Smith
Beck	Elmer	Kristensen	Nelson	Warner
Bernard-Stevens	Goodrich	Labedz	Peterson	Wehrbein
	Haberman	Lamb	Pirsch	Weihing
Beyer	Hall	Landis	Robak	Wesely
Byars	Hannibal	Langford	Rogers	Withem
Chambers	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Crosby

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 588 to Select File

Mr. Ashford moved to return LB 588 to Select File for the following specific amendment:
FA304
Strike the enacting clause.

Mr. Ashford withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to counties; to amend sections 23-148, 23-151, and 32-308, Reissue Revised Statutes of Nebraska, 1943, and section 5-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 165, Ninety-first Legislature, First Session, 1989; to change provisions for election of county commissioners in certain counties; to provide for seven districts; to require establishment of boundaries; to provide terms of office; to provide a residency requirement; to provide for the construction of certain provisions; to change provisions relating to the election of a register of deeds; 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, 26:

Abboud Baack Beck

Bernard-Stevens	Conway	Korshoj	McFarland	Scofield
Byars	Haberman	Kristensen	Moore	Smith
Chambers	Hall	Landis	Morrissey	Wesely
Chizek	Hannibal	Langford	Pirsch	Withem
	Hartnett	Lindsay	Schimek	

Voting in the negative, 17:

Barrett	Elmer	Johnson, R.	Nelson	Warner
Beyer	Goodrich	Labedz	Schellpeper	Wehrbein
Coordsen	Hefner	Lynch	Schmit	Weihing
Crosby	Johnson, L.			

Present and not voting, 6:

Ashford	Lamb	Peterson	Robak	Rogers
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 651. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-902.01, 85-981, 85-982, 85-990, 85-994, 85-995, 85-996, 85-997, 85-998, 85-999, 85-9,101, and 85-9,102, Reissue Revised Statutes of Nebraska, 1943; to adopt the Scholarship Assistance Program Act and the State Scholarship Award Program Act; to redefine a term; to change provisions relating to certain awards; to provide requirements relating to appropriations; to harmonize provisions; 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, 49:

Abboud	Bernard-Stevens	Chizek	Elmer	Hartnett
Ashford	Beyer	Conway	Goodrich	Hefner
Baack	Byars	Coordsen	Haberman	Johnson, L.
Barrett	Chambers	Crosby	Hall	Johnson, R.
Beck		Dierks	Hannibal	Korshoj

Kristensen	Lindsay	Nelson	Schellpeper	Warner
Labedz	Lynch	Peterson	Schimek	Wehrbein
Lamb	McFarland	Pirsch	Schmit	Weihing
Landis	Moore	Robak	Scofield	Wesely
Langford	Morrissey	Rogers	Smith	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 651A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 651, Ninety-first Legislature, First Session, 1989; to eliminate an appropriation; to repeal subsection (2) of section 50, Legislative Bill 813, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chizek	Hartnett	Lynch	Schimek
Ashford	Conway	Hefner	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Peterson	Wehrbein
	Goodrich	Labedz	Pirsch	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Chambers	Hannibal	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Langford

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 695.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602 and 39-6,134, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change requirements for brakes on trailers 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, 46:

Abboud	Conway	Johnson, L.	Lynch	Schellpeper
Ashford	Coordsen	Johnson, R.	McFarland	Schimek
Baack	Dierks	Korshoj	Moore	Schmit
Barrett	Elmer	Kristensen	Morrissey	Scofield
Beck	Goodrich	Labedz	Nelson	Smith
Bernard-Stevens	Haberman	Lamb	Peterson	Wehrbein
	Hall	Landis	Pirsch	Weihing
Beyer	Hannibal	Langford	Robak	Wesely
Chambers	Hartnett	Lindsay	Rogers	Withem
Chizek	Hefner			

Voting in the negative, 1:

Warner

Present and not voting, 2:

Byars Crosby

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 706. With Emergency.

A BILL FOR AN ACT relating to environmental hazards; to amend sections 58-201, 58-202, 58-207, 58-219, and 58-250, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,207, Revised Statutes Supplement, 1988; to restate intent; to define and redefine terms; to provide for loans from the Nebraska Investment Finance Authority to schools for abatement of environmental hazards; to harmonize provisions; to change provisions relating to a tax levy for environmental hazard abatement projects; to authorize bonds or other evidences of indebtedness for the abatement of environmental hazards; 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	Hefner	McFarland	Schimek
Ashford	Coordsen	Johnson, L.	Moore	Schmit
Baack	Crosby	Johnson, R.	Morrissey	Scofield
Barrett	Dierks	Korshoj	Nelson	Smith
Beck	Elmer	Kristensen	Peterson	Warner
Bernard-Stevens	Goodrich	Lamb	Pirsch	Wehrbein
	Haberman	Landis	Robak	Weihing
Beyer	Hall	Langford	Rogers	Wesely
Chambers	Hannibal	Lindsay	Schellpeper	Withem
Chizek	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Byars	Labedz	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 781. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-117, 53-122, 53-124, 53-128, 53-129, 53-131, 53-132, 53-133, 53-134, 53-147, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, and section 53-101, Reissue

Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 441, Ninety-first Legislature, First Session, 1989; to restate intent and policy; to change provisions relating to the powers of the Nebraska Liquor Control Commission and local governing bodies; to provide designated criteria relating to the issuance of licenses; to eliminate and change certain hearing, review, and appeal procedures; to provide for the issuance of certain information; to authorize a fee; to create a fund; to eliminate certain sections declared unconstitutional; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 53-101.03, 53-117.03, 53-117.04, 53-127, and 53-134.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Chizek	Hartnett	Langford	Schellpeper
Ashford	Conway	Hefner	Lynch	Schimek
Baack	Coordsen	Johnson, L.	Moore	Schmit
Barrett	Crosby	Johnson, R.	Morrissey	Scofield
Beck	Dierks	Korshoj	Nelson	Smith
Bernard-Stevens	Elmer	Kristensen	Peterson	Warner
	Haberman	Labedz	Pirsch	Wehrbein
Beyer	Hall	Lamb	Robak	Weihing
Byars	Hannibal	Landis	Rogers	Wesely

Voting in the negative, 3:

Goodrich	Lindsay	Withem

Present and not voting, 2:

Chambers	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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 525, 566, 588, 651, 651A, 695, 706, and 781.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1989, at 12:15 p.m., were the following bills: 311, 355, 355A, 357, 357A, 362, 362A, and 377.

(Signed) Randy Tippin, Enrolling Clerk

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jim L. Carr to the Motor Vehicle Industry Licensing Board
Vera Dulaney to the Motor Vehicle Industry Licensing Board

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers. Voting nay: None. Not voting: None. Absent: Senator Schellpeper.

Upon the showing of good cause the appearance of Vera Dulaney was waived by the following Committee vote.

Voting aye: Senators Lamb, Beyer, Byars, Goodrich, Peterson, Robak, Rogers. Voting nay: None. Not voting: None. Absent: Senator Schellpeper.

(Signed) Howard Lamb, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 227. Introduced by Scofield, 49th District; L. Johnson, 15th District; Lamb, 43rd District.

WHEREAS, for thirty-three of his forty-two years with the Omaha World-Herald, Tom Allan has covered the highways and byways and made himself at home across Nebraska, sampling our heritage and telling the story of our state; and

WHEREAS, in the process of reporting about the people and places of Nebraska, Tom Allan has taught us about ourselves in positive and eloquent words; and

WHEREAS, the writings of Tom Allan have contributed to our statewide understanding and appreciation of Nebraska's communities, people, and natural beauty.

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

1. That Tom Allan be commended for his work and his efforts to share Nebraska with Nebraskans and the rest of the world and that Tom Allan be recognized and thanked for his contributions to statewide unity and to the knowledge and understanding of the citizens of Nebraska.

2. That a copy of this resolution be presented to Tom Allan by the members of the Legislature on May 24, 1989, at the Sine Die Party on the ninetieth legislative day.

Laid over.

MOTION - Adjournment

Mr. Lynch moved to adjourn until 8:00 a.m., Wednesday, May 24, 1989. The motion lost with 7 ayes, 27 nays, and 15 present and not voting.

EASE

The Legislature was at ease from 2:31 p.m. until 2:43 p.m.

RESOLUTION

LEGISLATIVE RESOLUTION 228. Introduced by Korshoj, 16th District.

WHEREAS, the Oakland-Craig High School golf team won the Class C Nebraska State Golf Championship; and

WHEREAS, the Oakland-Craig High School golf team has won the Class C State Golf Championship for the eleventh straight year; and

WHEREAS, the accomplishments, hard work, and dedication of the coaches and golfers should be commended and are deserving of special recognition.

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

1. That the Legislature extends its congratulations to the Oakland-Craig High School golf team.

2. That a copy of this resolution be sent to Coach Swede Hawkins and to the team in recognition of their accomplishments.

Laid over.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from North Side Elementary School, Nebraska City; 45 third and fourth grade students and teachers from Johnson Brock School, Johnson; Laura, Laurie, Connie, and Melissa Cutter from Nebraska City; and 19 eighth grade students and teacher from Holy Family School, Lindsay.

ADJOURNMENT

At 2:44 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Wednesday, May 24, 1989.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY - MAY 24, 1989

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 24, 1989

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 Mrs. Labedz, Messrs. Lindsay, and Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2475, insert E & R Change to LB 815 as follows:

Enrollment and Review Change to LB 815

The following changes, required to be reported for publication in the Journal, have been made:
ER6206

1. On page 1, the matter beginning with "the" in line 1 through "Act" in line 2 has been struck and "state government" inserted; and in line 6 "a fund" has been struck and "and authorize funds" inserted.

The Journal for the Eighty-Fifth Day was approved as corrected.
The Journal for the Eighty-Ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1989, at 2:48 p.m., were the following bills: 525, 566, 588, 651, 651A, 695, 706, and 781.

(Signed) Randy Tippin, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

May 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 95, 261, 261A, 280, 283, 303, 303A, 312, and 312A were received in my office on May 18, 1989.

These bills were signed by me on May 22, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 134, 158, 158A, 175, 175A, 182, 182A, and 198 were received in my office on May 17, 1989.

These bills were signed by me on May 22, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR

Governor

May 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 228A was received in my office on May 17, 1989.

This bill was signed by me on May 23, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 228 was received in my office on May 22, 1989.

This bill was signed by me on May 23, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 23, 1989

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

Dear Mr. President and Senators:

Today I signed and delivered to the Secretary of State LB 183 and LB 183A, the School District Choice bill.

Nebraskans can take pride in our fine school systems. Parental participation in the educational process is crucial. This bill provides reasonable options for parents, and their children.

LB 183 includes important safeguards while offering meaningful interdistrict choice. The phase-in provisions, beginning with a study, are prudent. Those built-in delays will allow for timely adjustments and, if necessary, for reconsideration of this new policy prior to full implementation.

In my opinion, this new law does not represent a threat to Nebraska's smaller school systems because they have demonstrated -- to their patrons and national experts -- that they are very good. They exist because of the support of the students, parents and communities. As with any new education policy, my intention is to monitor carefully the effects of LB 183.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:acl

May 23, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 132, 285, 285A, 302, 305, 309, 309A, 310, 335, 335A, 340, 340A, 469, 727, 816, and 816A were received in my office on May 19, 1989.

These bills were signed by me on May 22, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 23, 1989

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

Dear Mr. President and Senators:

Today I signed and delivered to the Secretary of State LB 247. I am returning LB 247A with my signature but with a line-item reduction in the amount of $100,000.

LB 247 provides for a study of the system of higher education in the State of Nebraska which deals specifically with the issue of Kearney State College and also deals with broader issues affecting all institutions of higher learning. LB 247 further provides that, effective July 1, 1991, Kearney State College shall become a part of the University of Nebraska system and subject to the governance of the Board of Regents. This bill was signed because of my belief that there should be a study which will address the needs of our state with respect to higher education.

Some cautionary statements are in order, however. Since the inception of debate surrounding Kearney State's status, it has been my firm contention that we should fully understand the implications of any modification to the structure of higher education in our state prior to taking action. During public debate on the issue, the emphasis shifted and the concept of a study prior to taking action lost momentum. The mandate of LB 247 to include Kearney State in the University system presents innumberable questions which have not been addressed. The study element of the legislation is laudable in its design and its intent. It is my hope that the study will provide in-depth and meaningful answers to the implications of the "University of Nebraska at Kearney," as well as the master plan for higher education in Nebraska.

The appropriation of LB 247A has been reduced because it is my belief that the study can be done for less that $250,000. My line-item reduction, therefore, brings LB 247A to the $150,000 level.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:acl

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 162 and 162A without my signature and with my objections.

LB 162 reinstates cooperative state funding for the animal damage control program operated by the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture. A number of counties are voluntarily supporting the program through local contributions to the federal program.

Budget constraints force me to assess this program from a broad view. Since we do not have the resources to fund every worthy program, difficult decisions are required. This is one of them. I am hopeful that the joint federal and local funding base will continue since the program serves a valuable function in many parts of the state.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:gml

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 44 and 44A without my signature and with my objections.

LB 44 and 44A 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 regional centers. My position on this issue remains unchanged since my veto of LB 1221 passed by the Unicameral last year.

My veto of LB 44 and 44A is based on the policy consideration that determination of competency is part of the trial process and the payment of such costs is a legitimate responsibility of the counties.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pbl

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 277/277A without my signature and with my objections.

LB 277 would require the Department of Revenue to enter into an agreement with the U.S. Office of Personnel Management to withhold Nebraska state income taxes for retired federal civil service employees. Such an agreement would represent a policy precedent unfavorable to the State of Nebraska.

The contractual agreement proposed would require the Department of Revenue to carry out certain elements of the withholding responsibilities for the Office of Personnel Management, and to incur the associated costs. Not only does this expand the Department's function beyond the collection of taxes, it transfers costs from federal to state government. It should be noted that all other private and public employers in the state, including all other federal agencies, provide this important service for their employees.

It would be more appropriate for the Office of Personnel Management to be approached in regard to performing this function, rather than committing state funds at this time.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:mpl

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 49 and LB 49A without my signature and with my objections.

LB 49 gives the Department of Agriculture oversight responsibilities with regard to controlling noxious weeds. My objection to this legislation is rooted in the costs to the State. The capability exists at the local level to control noxious weeds through the current program structure. My veto of this legislation will not affect those activities. In my opinion, placing a responsibility on the State for decisions that can be accomplished at the local level is not the best use of limited state financial resources.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:gml

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 250 and LB 250A without my signature and with my objections.

LB 250 would require Nebraska's teacher training institutions to include human relations in the curriculum for prospective teachers and administrators, as well as in continuing education curricula for recertification purposes. As the result of an amendment, the bill also provides for a temporary certificate for certain teachers who have not taken the basic skills competency test.

Racial equality and civil rights are the law of the land. My record on sensitivity to racial and ethnic concerns is well known through the implementation of my policy for state employees. All 15 of our

teacher training institutions have the responsibility to include racial, ethnic and cultural sensitivity components in their courses. If they are not doing so now, they should be and have the authority to make any adjustments that may be required.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:acl

May 23, 1989

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

Dear Mr. President and Senators:

I am returning LB 301, LB 308, LB 813, and LB 814 with my signature but with specific line-item reductions. The listing attached to this letter shows the reductions for each bill and for each agency.

Since many bills with fiscal impact have not yet been delivered to me, it is difficult to calculate an exact financial position. However, it is clear that the Legislature has passed many bills that cannot be accommodated within prudent reserve requirements. The reductions in the bills I am returning today are necessary to begin balancing our budget for the next biennium.

In order to maintain fiscal stability and integrity of the State, I urge you to sustain these vetoes.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jr

Attachments

SUMMARY OF GOVERNOR'S VETOES
MAY 23, 1989
GENERAL FUND

L.B.	Description	FY89 Amount	FY90 Amount	FY91 Amount	FY92 Amount	FY93 Amount
LB44	Legal Costs--Mentally Incompetent		535,000	535,000	535,000	535,000
LB49	Noxious Weed Control		187,500	187,500	187,500	187,500

LB162	Animal Damage Control		312,000	312,000	312,000	312,000
LB247	Colleges for the Future Comm. (Partial)		100,000			
LB250	Competency training Human Relations		5,000			
LB277	Withhold Income Tax on Federal Annuity		30,000	15,000	15,000	15,000
LB301	Constitutional Officer Salaries			36,140	36,140	36,140
LB308	Deficit Appropriations	161,407				
LB813	Mainline Appropriations		7,412,375	8,689,501	6,480,029	6,480,029
LB814	Capital Construction		4,224,570	7,055,080	2,400,000	1,280,000
	TOTALS	161,407	12,806,445	16,830,221	9,965,669	8,845,669

Summary of Governor's Vetoes
(Includes LB301, LB308, LB813, LB814)
May 23, 1989
General Fund

Ag Name		L.B.	Sec.	Description	FY89 Amount	FY90 Amount	FY91 Amount	FY92 Amount	FY93 Amount
5	Supreme Ct	301	1	Overfunding of Judges salaries			36,140	36,140	36,140
5	Supreme Ct	813	9	Reduce 9.5 FTE/ Allow 4 new FTE		175,386	168,094	168,094	168,094
13	Education	813	16	Textbook Loan Program		149,250	164,250	164,250	164,250
13	Education	813	16	School Reorg Surveys		30,000	15,000	15,000	15,000
16	Revenue	813	19	Reduce to Governor's Orig. Level			97,000	97,000	97,000
20	Health	813	23	Health Care Cost Index		36,000	36,000	36,000	36,000
21	Fire Marshal	813	24	Reduce one of two New Deputy Positions			30,835	30,835	30,835
25	Institutions	813	28	Norfolk Regional Ctr-Open Ward		563,109	583,628	583,628	583,628
25	Institutions	813	28	Community Based MR Aid		500,000	500,000	500,000	500,000
25	Institutions	813	28	Emergency Psychiatric Services			300,000	300,000	300,000
31	Military	813	34	Eliminate New Personnel Clerk Pos.		15,797	15,807	15,807	15,807
33	Game & Parks	814	9	Atkinson Sra-Dam Replacement		345,000			
33	Game & Parks	814	10	Mahoney Park Construction			330,000		
37	Work.Comp	308	24	Injury Statistic Prog.-Fed FD Pickup	11,407				
37	Work.Comp	813	40	Modular Furniture & Additional Staff		64,218	33,713	33,713	33,713
37	Work.Comp	813	40	Injury Statistic Prog.-Fed FD Pickup		16,405	16,405	16,405	16,405
46	Corrections	813	48	OCC-Operations for Housing Expand.			721,263	721,263	721,263
46	Corrections	814	19	Dept Control Unit-NSP		454,120	4,087,080		
46	Corrections	814	20	150-Bed Housing Unit-OCC		1,640,900			
50	Colleges	813	51	Physical Plant Consultant-Bd. Office		13,339	13,339	13,339	13,339
50	Colleges	813	51	Committee for Humanities-Bd Office		75,000	75,000	75,000	75,000
50	Colleges	813	51	Work Stations-Bd Office		8,000	8,000	8,000	8,000

50	Colleges	813	51	Additional Travel Bd Office		2,607	3,500	3,500	3,500
50	Colleges	813	52	Instructional Equip.-KSC,PSC,WSC		101,949	94,322	94,322	94,322
50	Colleges	813	52	Instr./Student Svs Support KSC,PSC,WSC		155,221	266,373	266,373	266,373
50	Colleges	813	52	Physical Plant Ops. & Equip-KSC,WSC		34,630	190,593	190,593	190,593
50	Colleges	813	52	Counselor-Indian Comm. College-WSC		24,100	24,100	24,100	24,100
50	Colleges	814	30	Founders Hall-3rd Floor Addition		121,680	1,918,000		
51	University	813	53	Library Acq. (Systemwide)		280,000	14,075	14,075	14,075
51	University	813	53	CBA-UNO		400,000	350,000	350,000	350,000
51	University	813	53	Inflation on Operations (Systemwide)		71,304			
51	University	813	53	Research Position in Entomology (IANR)		25,200	26,460	26,460	26,460
51	University	813	53	Instructional Equip. (Systemwide)		675,000	1,200,000	1,200,000	1,200,000
51	University	813	53	Food Processing (IANR)		302,000	302,000	302,000	302,000
51	University	813	53	Intercollegiate Ath (UNO)		50,000	150,000	150,000	150,000
51	University	813	53	Ctr for C, F, and Law (UNL)		200,000	200,000	200,000	200,000
51	University	813	53	Poultry Pathologist (IANR)		50,000	50,000	50,000	50,000
51	University	813	53	Potato Specialist (IANR)		25,000	25,000	25,000	25,000
51	University	813	53	Family Practice Residency (UNMC)		386,000	397,580	397,580	397,580
51	University	814	38	Walter Scott Engineering Link-UNL		464,870			
51	University	814	43	Public Events/ Headquarters Bldg-Mead		190,000			
51	University	814	37	Classrooms & Lab Renov. (Systemwide)		350,000	350,000		
51	University	814	39	Trailside Museum-Ft. Rob (UNL)		98,000	320,000	2,400,000	1,280,000
51	University	814	44	Growing & Finishing Swine Unit (IANR)		250,000			
52	Fair Bd	814	50	Reroof-Industrial Arts Bldg		250,000			
54	Hist. Society	814	51	Chimney Rock Museum-Planning		10,000			
55	Nat. Resources	813	56	Resources Development Fund		1,428,800			
65	Adm. Services	814	52	Restoration-State Capitol		50,000	50,000		
69	Arts Council	813	68	Aid to Arts-$78,237 Incr. Each Year			96,040	96,040	96,040
70	Foster Care	813	69	Reduce to Governor's Orig. Level		99,588	99,652	99,652	99,652
71	Aging	813	70	Aid to Aging		200,000	212,000	212,000	212,000
84	Envir. Control	813	80	Wastewater		1,254,472	2,209,472		
89	Claims Bd	308	35	Deficit for Claim Settlement	150,000				
				GRAND TOTAL	161,407	11,636,945	15,780,721	8,916,169	7,796,169

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 115, LR 213, LR 214, LR 215, LR 217, LR 218, LR 220, and LR 221.

RESOLUTIONS

LEGISLATIVE RESOLUTION 223. Read. Considered.

LR 223 was adopted with 28 ayes, 2 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 224. Read. Considered.

Mr. Ashford offered the following amendment:
FA305
Congratulations Westside High School golf team for its first place finish in the State Class A golf tournament.

Mr. Ashford withdrew his pending amendment.

LR 224 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 225. Read. Considered.

Mr. Lynch requested a record vote on the adoption of the resolution.

Voting in the affirmative, 38:

Abboud	Byars	Hannibal	Langford	Schimek
Ashford	Conway	Hartnett	McFarland	Schmit
Baack	Coordsen	Johnson, L.	Moore	Scofield
Barrett	Crosby	Johnson, R.	Morrissey	Smith
Beck	Dierks	Korshoj	Nelson	Warner
Bernard-Stevens	Elmer	Kristensen	Pirsch	Wehrbein
	Goodrich	Lamb	Robak	Weihing
Beyer	Haberman	Landis	Rogers	

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Hall	Lindsay	Peterson	Wesely
Chizek	Hefner	Lynch	Schellpeper	Withem

Excused and not voting, 1:

Labedz

LR 225 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 226. Read. Considered.

Mr. Hartnett asked unanimous consent to add his name to LR 226. No objections. So ordered.

LR 226 was adopted with 30 ayes, 1 nay, and 18 not voting.

LEGISLATIVE RESOLUTION 227. Read. Considered.

Ms. Scofield asked unanimous consent to add all senators' names to LR 227. No objections. So ordered.

LR 227 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 228. Read. Considered.

LR 228 was adopted with 24 ayes, 0 nays, and 25 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

APPROPRIATIONS COMMITTEE REPORTS

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 301, exhibit A attached to this report. Pursuant to this review the Committee has decided to recommend no overrides be enacted of the Governor's line-item vetoes.

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 308, exhibit A attached to this report. Pursuant to this review the Committee has decided to recommend no overrides be enacted of the Governor's line-item vetoes.

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 813, exhibit A attached to this report. Pursuant to this review the Committee has, by a 5 to 4 vote, decided to recommend no overrides be enacted of the Governor's line-item vetoes.

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 814, exhibit A attached to this report. Pursuant to this review the Committee has, by a 5 to 4 vote, decided to recommend no overrides be enacted of the Governor's line-item vetoes.

(Signed) Jerome Warner, Chairperson

MOTION - Approve Appointments

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 2354: Phyllis Anstine - Crime Victims Reparations Committee.

Voting in the affirmative, 26:

Abboud	Beyer	Hall	Langford	Schmit
Baack	Byars	Hefner	Morrissey	Smith
Barrett	Conway	Korshoj	Nelson	Wehrbein
Beck	Coordsen	Lamb	Schellpeper	Wesely
Bernard-Stevens	Elmer	Landis	Schimek	Withem
	Goodrich			

Voting in the negative, 0.

Present and not voting, 21:

Ashford	Haberman	Johnson, R.	Moore	Rogers
Chambers	Hannibal	Kristensen	Peterson	Scofield
Chizek	Hartnett	Lindsay	Pirsch	Warner
Crosby	Johnson, L.	McFarland	Robak	Weihing
Dierks				

Excused and not voting, 2:

Labedz Lynch

The appointment was confirmed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Coordsen moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 2446: JoAnne Rohr and Neil E. Avery - Boiler Safety Code Advisory Board.

Voting in the affirmative, 26:

Abboud	Byars	Hall	Morrissey	Schmit
Baack	Conway	Korshoj	Nelson	Smith
Beck	Coordsen	Lamb	Rogers	Warner
Bernard-Stevens	Crosby	Landis	Schellpeper	Weihing
Beyer	Elmer	Langford	Schimek	Wesely
	Goodrich			

Voting in the negative, 0.

Present and not voting, 21:

Ashford	Haberman	Johnson, L.	McFarland	Robak
Barrett	Hannibal	Johnson, R.	Moore	Scofield
Chambers	Hartnett	Kristensen	Peterson	Wehrbein
Chizek	Hefner	Lindsay	Pirsch	Withem
Dierks				

Excused and not voting, 2:

Labedz Lynch

These appointments were confirmed with 26 ayes, 0 nays, 21 present and not voting, and 2 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 2475: David L. Timperley, D.C., Patricia A. McQuillan, and Edward J. Schlachter - State Board of Health; Robert D. Harry, M.D. - Rural Health Manpower Commission; Kathy Campbell and Nancy A. Nielsen - Nebraska Child Abuse Prevention Fund Board; Shirley J. Howell and Linda Perlman - Advisory Committee to the Departments of Social Services, Public Institutions and Corrections.

Voting in the affirmative, 27:

Abboud	Byars	Hannibal	Nelson	Smith
Ashford	Conway	Johnson, L.	Rogers	Warner
Beck	Coordsen	Lamb	Schellpeper	Wehrbein
Bernard-Stevens	Crosby	Landis	Schmit	Weihing
Beyer	Elmer	Langford	Scofield	Wesely
	Hall	Lindsay		

Voting in the negative, 0.

Present and not voting, 20:

Baack	Dierks	Hefner	McFarland	Pirsch
Barrett	Goodrich	Johnson, R.	Moore	Robak
Chambers	Haberman	Korshoj	Morrissey	Schimek
Chizek	Hartnett	Kristensen	Peterson	Withem

Excused and not voting, 2:

Labedz Lynch

These appointments were confirmed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Hall moved the adoption of the report of the Revenue Committee for the following Governor appointments found in the Journal on page 2527: Kipton Hirschbach and Doralene Weed - Nebraska Agricultural Land Valuation Advisory Board.

Voting in the affirmative, 27:

Abboud	Coordsen	Johnson, L.	Rogers	Smith
Beck	Crosby	Lamb	Schellpeper	Warner
Bernard-Stevens	Elmer	Landis	Schimek	Wehrbein
Beyer	Hall	Langford	Schmit	Weihing
Chizek	Hannibal	Morrissey	Scofield	Wesely
	Hartnett	Nelson		

Voting in the negative, 0.

Present and not voting, 20:

Ashford	Baack	Barrett	Byars	Chambers

Conway	Haberman	Korshoj	McFarland	Pirsch
Dierks	Hefner	Kristensen	Moore	Robak
Goodrich	Johnson, R.	Lindsay	Peterson	Withem

Excused and not voting, 2:

Labedz Lynch

These appointments were confirmed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mrs. Smith moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 2659: Mary Cabela, Marilyn R. Mitchell, and Claudette Valentine - Nebraska Arts Council.

Voting in the affirmative, 26:

Abboud	Chizek	Hannibal	Morrissey	Smith
Beck	Conway	Hartnett	Nelson	Wehrbein
Bernard-Stevens	Coordsen	Korshoj	Schellpeper	Weihing
	Crosby	Lamb	Schmit	Wesely
Beyer	Elmer	Langford	Scofield	Withem
Byars	Hall			

Voting in the negative, 0.

Present and not voting, 21:

Ashford	Goodrich	Johnson, R.	McFarland	Robak
Baack	Haberman	Kristensen	Moore	Rogers
Barrett	Hefner	Landis	Peterson	Schimek
Chambers	Johnson, L.	Lindsay	Pirsch	Warner
Dierks				

Excused and not voting, 2:

Labedz Lynch

These appointments were confirmed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the

Journal on page 2716: Jim L. Carr and Vera Dulaney - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 26:

Abboud	Conway	Johnson, L.	Morrissey	Scofield
Baack	Coordsen	Korshoj	Nelson	Smith
Beck	Elmer	Lamb	Peterson	Warner
Beyer	Goodrich	Landis	Rogers	Wehrbein
Byars	Hartnett	Langford	Schellpeper	Withem
Chizek				

Voting in the negative, 0.

Present and not voting, 21:

Ashford	Crosby	Hefner	McFarland	Schimek
Barrett	Dierks	Johnson, R.	Moore	Schmit
Bernard-Stevens	Haberman	Kristensen	Pirsch	Weihing
Chambers	Hall	Lindsay	Robak	Wesely
	Hannibal			

Excused and not voting, 2:

Labedz Lynch

These appointments were confirmed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

MOTION - Return LB 683 and LB 683A

Mr. Warner renewed his pending motion, found in the Journal on page 2676, to request the Governor to return LB 683 and LB 683A for further consideration and later reconsideration on final reading for technical or clarifying amendments.

Mr. Warner withdrew his pending motion.

MOTION - Override Veto on LB 813

Mr. Hall moved to override the Governor's line-item vetoes regarding funding for the Nebraska Worker's Compensation Court, Agency 37:

1. LB 308 Section 24 - Program 530, $11,407 for State funding to compensate for federal reductions in the statistics program.

2. LB 813 Section 40 - Program 530, $16,405 for 1989-90 and $16,405 for 1990-91 for State funding to compensate for federal reductions in the statistics program.
3. LB 813 Section 40 - Program 530, $39,228 for 1989-90 and $33,713 for 1990-91 for two clerical staff positions.
4. LB 813 Section 40 - Program 530, $25,000 for office renovation for room dividers and improved lighting.

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Hall requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 17:

Baack	Chizek	Goodrich	Morrissey	Schellpeper
Bernard-Stevens	Conway	Hall	Peterson	Schmit
Chambers	Crosby	Hartnett	Robak	Withem
	Dierks	McFarland		

Voting in the negative, 27:

Abboud	Coordsen	Korshoj	Lindsay	Schimek
Ashford	Haberman	Kristensen	Moore	Smith
Barrett	Hannibal	Lamb	Nelson	Warner
Beck	Hefner	Landis	Pirsch	Wehrbein
Beyer	Johnson, L.	Langford	Rogers	Wesely
Byars	Johnson, R.			

Present and not voting, 4:

Elmer	Labedz	Scofield	Weihing

Excused and not voting, 1:

Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 813

Mr. Hall moved to override the Governor's line-item veto of funding for the textbook loan program, section 16, subsection (15), LB 813.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 32:

Beck	Conway	Johnson, R.	McFarland	Schellpeper
Bernard-Stevens	Coordsen	Kristensen	Nelson	Schmit
Beyer	Crosby	Labedz	Peterson	Scofield
Byars	Dierks	Landis	Pirsch	Smith
Chambers	Goodrich	Langford	Robak	Wesely
Chizek	Hall	Lindsay	Rogers	Withem
	Hartnett	Lynch		

Voting in the negative, 11:

Abboud	Hannibal	Korshoj	Moore	Warner
Ashford	Johnson, L.	Lamb	Schimek	Wehrbein
Haberman				

Present and not voting, 5:

Baack	Elmer	Hefner	Morrissey	Weihing

Excused and not voting, 1:

Barrett

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Withem moved to override the Governor's veto of LB 813, Agency 13, Section 16, School Reorganization Surveys, rule 6 section 11.

Mr. Withem moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Withem requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 30:

Baack	Crosby	Hartnett	McFarland	Schellpeper
Bernard-Stevens	Dierks	Hefner	Morrissey	Schmit
Chambers	Elmer	Johnson, R.	Nelson	Scofield
Chizek	Goodrich	Kristensen	Peterson	Smith
Conway	Haberman	Langford	Robak	Wesely
Coordsen	Hall	Lynch	Rogers	Withem

Voting in the negative, 15:

Abboud	Beck	Johnson, L.	Landis	Warner
Ashford	Beyer	Korshoj	Moore	Wehrbein
Barrett	Hannibal	Lamb	Pirsch	Weihing

Present and not voting, 3:

Byars	Lindsay	Schimek

Excused and not voting, 1:

Labedz

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 813

Mr. Baack moved to override the Governor's veto on Agency 51 (University) LB 813 Sec. 53 Family Practice Residency (UNMC)
FY90 - $386,000
FY91 - 397,000

SPEAKER BARRETT PRESIDING

Mr. Conway 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 line-item objections of the Governor?' "

Voting in the affirmative, 34:

Baack	Conway	Hefner	McFarland	Schellpeper
Barrett	Coordsen	Johnson, R.	Morrissey	Schmit
Beck	Crosby	Kristensen	Nelson	Scofield
Bernard-Stevens	Dierks	Labedz	Peterson	Smith
	Goodrich	Lamb	Pirsch	Weihing
Byars	Haberman	Langford	Robak	Wesely
Chizek	Hall	Lynch	Rogers	Withem

Voting in the negative, 8:

Abboud	Hannibal	Landis	Warner	Wehrbein
Ashford	Korshoj	Moore		

Present and not voting, 7:

Beyer	Elmer	Johnson, L.	Lindsay	Schimek
Chambers	Hartnett			

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

Mr. Lynch 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 resolution: LR 227.

MESSAGE FROM THE GOVERNOR

May 24, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 739 and 739A were received in my office on May 22, 1989.

These bills were signed by me on May 23, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

VISITORS

Visitors to the Chamber were 90 fourth grade students and teacher from Holling Heights Elementary School, Omaha; 44 fourth grade students and teacher from St. Gerald School, Ralston; and Mark Blazek.

RECESS

At 12:01 p.m., on a motion by Mr. Conway, 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. Abboud, Ashford, Chambers, Kristensen, Lamb, Landis, Lynch, Withem, Mmes. Labedz, and Robak who were excused until they arrive.

MOTION - Override Veto on LB 813

Mrs. Smith moved to override the Governor's veto on LB 813, agency 71, Aging, Section 70, Aid to Aging, FY90, $200,000, FY91, 212,000.

Mrs. Smith moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mrs. Smith requested a roll call vote on her motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Baack	Conway	Haberman	Lynch	Schmit
Beck	Coordsen	Hall	Morrissey	Scofield
Bernard-Stevens	Crosby	Hartnett	Nelson	Smith
	Dierks	Korshoj	Peterson	Weihing
Chambers	Elmer	Labedz	Schellpeper	Wesely
Chizek	Goodrich	Lindsay		

Voting in the negative, 14:

Abboud	Hannibal	Lamb	Moore	Warner
Barrett	Johnson, L.	Landis	Rogers	Wehrbein
Byars	Kristensen	McFarland	Schimek	

Present and not voting, 6:

Beyer	Johnson, R.	Langford	Pirsch	Withem
Hefner				

Excused and not voting, 2:

Ashford	Robak

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Morrissey, Rogers, Korshoj, Schellpeper, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Schmit moved to override the Governor's veto of LB 813, Agency 55, Section 56, Resources Development Fund.

Mr. Schmit moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Schmit requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 24:

Baack	Chambers	Elmer	Morrissey	Schmit
Beck	Chizek	Goodrich	Nelson	Smith
Bernard-Stevens	Conway	Hall	Peterson	Weihing
	Crosby	Hartnett	Robak	Wesely
Beyer	Dierks	Hefner	Rogers	Withem

Voting in the negative, 20:

Abboud	Coordsen	Korshoj	Landis	Pirsch
Ashford	Haberman	Kristensen	Lindsay	Schimek
Barrett	Hannibal	Labedz	McFarland	Warner
Byars	Johnson, L.	Lamb	Moore	Wehrbein

Present and not voting, 4:

Johnson, R.	Langford	Lynch	Scofield

Excused and not voting, 1:

Schellpeper

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Schmit moved to override the Governor's veto of LB 813, Agency 84, Section 80, Wastewater.

Mr. Korshoj 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 and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit requested a record vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 21:

Bernard-Stevens	Elmer	Kristensen	Nelson	Schmit
Chizek	Goodrich	Landis	Peterson	Scofield
Conway	Hall	Langford	Robak	Smith
Dierks	Hartnett	Lynch	Rogers	Weihing
	Hefner			

Voting in the negative, 23:

Abboud	Beck	Byars	Haberman	Johnson, L.
Barrett	Beyer	Crosby	Hannibal	Johnson, R.

Korshoj	Lindsay	Morrissey	Warner	Wesely
Labedz	McFarland	Pirsch	Wehrbein	Withem
Lamb	Moore	Schimek		

Present and not voting, 2:

Baack Coordsen

Excused and not voting, 3:

Ashford Chambers Schellpeper

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 813

Mr. Wesely moved that Section 23, Agency 20, Health Care cost index, become law notwithstanding the objection of the Governor.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 19:

Baack	Conway	Goodrich	Landis	Schmit
Bernard-Stevens	Crosby	Hall	McFarland	Scofield
Chizek	Dierks	Hartnett	Peterson	Smith
	Elmer	Hefner	Robak	Withem

Voting in the negative, 21:

Abboud	Haberman	Korshoj	Moore	Schimek
Ashford	Hannibal	Kristensen	Morrissey	Warner
Barrett	Johnson, L.	Lamb	Nelson	Wehrbein
Beck	Johnson, R.	Lindsay	Pirsch	Weihing
Beyer				

Present and not voting, 6:

Byars Lynch Rogers Schellpeper Wesely
Langford

Excused and not voting, 3:

Chambers Coordsen Labedz

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 223, LR 224, LR 225, LR 226, and LR 228.

MOTION - Override Veto on LB 813

Mr. Peterson moved to override the Governor's line-item vetoes of LB 813, agency 25, Dept. of Public Institutions, program 365 - Mental Health, for the additional ward at the Norfolk Regional Center for both years and Emergency Psychiatric Services in the second year.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Baack Barrett Beck Beyer Chizek

Conway	Haberman	Labedz	Peterson	Schmit
Coordsen	Hall	Lamb	Pirsch	Scofield
Crosby	Hartnett	Langford	Robak	Smith
Dierks	Hefner	Lindsay	Rogers	Weihing
Elmer	Kristensen	Nelson	Schellpeper	Wesely
Goodrich				

Voting in the negative, 10:

Abboud	Hannibal	Korshoj	McFarland	Schimek
Ashford	Johnson, R.	Landis	Morrissey	Warner

Present and not voting, 5:

Johnson, L.	Lynch	Moore	Wehrbein	Withem

Excused and not voting, 3:

Bernard-Stevens	Byars	Chambers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

MOTION - Reconsider Action on LB 813

Mr. Wesely moved to reconsider the vote on the Wesely override motion, found in the Journal on page 2745, to LB 813.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 26:

Baack	Elmer	Hefner	Lindsay	Peterson
Conway	Goodrich	Kristensen	McFarland	Robak
Coordsen	Hall	Labedz	Morrissey	Schellpeper
Dierks	Hartnett	Landis	Nelson	Schimek

Schmit	Smith	Weihing	Wesely	Withem
Scofield				

Voting in the negative, 17:

Abboud	Beyer	Hannibal	Korshoj	Rogers
Ashford	Byars	Johnson, L.	Lamb	Warner
Barrett	Crosby	Johnson, R.	Moore	Wehrbein
Beck	Haberman			

Present and not voting, 3:

Bernard-Stevens	Lynch	Pirsch

Absent and not voting, 1:

Langford

Excused and not voting, 2:

Chambers Chizek

The Wesely motion to reconsider prevailed with 26 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

MOTION - Override Veto on LB 813

Mr. Wesely moved that Section 23, Agency 20, Health Care cost index, become law notwithstanding the objection of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 25:

Baack	Elmer	Labedz	Nelson	Scofield
Chambers	Goodrich	Landis	Peterson	Smith
Conway	Hall	Lindsay	Robak	Weihing
Coordsen	Hartnett	McFarland	Schellpeper	Wesely
Dierks	Hefner	Morrissey	Schmit	Withem

Voting in the negative, 18:

Abboud	Beyer	Hannibal	Lamb	Rogers
Ashford	Byars	Johnson, L.	Moore	Warner
Barrett	Crosby	Johnson, R.	Pirsch	Wehrbein
Beck	Haberman	Kristensen		

Present and not voting, 5:

Bernard-Stevens	Korshoj	Langford	Lynch	Schimek

Excused and not voting, 1:

Chizek

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Messrs. Lynch, Lamb, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Coordsen moved to override the Governor's line-item veto of LB 813, section 53, Agency No. 51 - University of Nebraska, on page 137 which reads as follows:
"There is included in the appropriation to this program $25,200 General Funds for FY1989-90 and $26,460 General Funds for FY1990-91 for the University of Nebraska Institute of Agriculture and Natural Resources for a postdoctoral research position in the Entomology Department to address the chinch bug problem."

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 12:

Bernard-Stevens	Conway	Dierks	Goodrich	Peterson
	Coordsen	Elmer	Labedz	Robak

Rogers	Schellpeper	Smith

Voting in the negative, 16:

Barrett	Chambers	Hartnett	Kristensen	Schimek
Beck	Crosby	Johnson, L.	Lindsay	Warner
Beyer	Hannibal	Johnson, R.	Morrissey	Withem
Byars				

Present and not voting, 17:

Abboud	Hall	McFarland	Pirsch	Wehrbein
Ashford	Hefner	Moore	Schmit	Weihing
Baack	Korshoj	Nelson	Scofield	Wesely
Haberman	Langford			

Excused and not voting, 4:

Chizek	Lamb	Landis	Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Reconsider Action on LB 813

Mrs. Robak moved to reconsider the vote on the Smith motion to override the veto in LB 813 on Dept. of Aging aid to Area Agencies.

Mrs. Robak moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mrs. Robak requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 23:

Baack	Dierks	Hefner	Peterson	Scofield
Beck	Elmer	Korshoj	Robak	Smith
Byars	Goodrich	Labedz	Schellpeper	Weihing
Chambers	Haberman	Lindsay	Schmit	Wesely
Conway	Hall	Nelson		

Voting in the negative, 16:

Abboud	Coordsen	Johnson, L.	McFarland	Schimek
Ashford	Crosby	Johnson, R.	Moore	Warner
Barrett	Hannibal	Kristensen	Morrissey	Wehrbein
Bernard-Stevens				

Present and not voting, 6:

Beyer	Langford	Pirsch	Rogers	Withem
Hartnett				

Excused and not voting, 4:

Chizek	Lamb	Landis	Lynch

The Robak motion to reconsider lost with 23 ayes, 16 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hefner and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Morrissey moved to override the Governor's vetoes in LB 813, Sec. 52, subsection (2), subsection (3), and subsection (4).

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Morrissey moved for a call of the house. The motion lost with 5 ayes, 14 nays, and 30 not voting.

SPEAKER BARRETT PRESIDING

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 14:

Baack	Coordsen	Elmer	Hartnett	Langford
Conway	Crosby	Hall	Kristensen	Morrissey

Schellpeper	Schmit	Scofield	Wesely	

Voting in the negative, 21:

Abboud	Beyer	Johnson, L.	Nelson	Warner
Ashford	Byars	Johnson, R.	Pirsch	Wehrbein
Barrett	Haberman	Lindsay	Robak	Weihing
Beck	Hannibal	Moore	Schimek	Withem
Bernard-Stevens				

Present and not voting, 7:

Chambers	Goodrich	Peterson	Rogers	Smith
Dierks	Korshoj			

Excused and not voting, 7:

Chizek	Labedz	Landis	Lynch	McFarland
Hefner	Lamb			

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 813

Mr. Hartnett moved with respect to the following line-item veto of the Governor in LB 813:

> In Sec. 69, with respect to Agency 70, the State Foster Care Review Board, Program No. 116, the reduction of funds for fiscal years 90 and 91 to levels originally requested by the governor (reduction of $99,588 in FY90 and $99,652 in FY91).

Therefore, I would move that this specific line-item be adopted notwithstanding the objections of the governor.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Baack	Chambers	Haberman	Langford	Robak
Barrett	Conway	Hall	Lynch	Schellpeper
Beck	Coordsen	Hartnett	McFarland	Schimek
Bernard-Stevens	Crosby	Johnson, R.	Morrissey	Schmit
Beyer	Dierks	Lamb	Nelson	Scofield
Byars	Elmer	Landis	Peterson	Weihing
	Goodrich			

Voting in the negative, 7:

Ashford	Johnson, L.	Moore	Pirsch	Warner
Hannibal	Korshoj			

Present and not voting, 7:

Abboud	Lindsay	Smith	Wehrbein	Withem
Kristensen	Rogers			

Excused and not voting, 4:

Chizek	Hefner	Labedz	Wesely

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

Mr. Lynch and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Weihing moved that LB 813, section 53 University of Nebraska, agency 51, Instructional Equipment (systemwide), become law notwithstanding the objections of the Governor.

Mr. Weihing withdrew his motion to override.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 813

Mr. Bernard-Stevens moved with respect to the following line-item veto of the Governor in LB 813:
Sec. 51 of that bill, regarding Agency 49, the Board of Trustees of the Nebraska State Colleges, specifically Program No. 141, the Nebraska Committee for the Humanities: To reduce in each of FY 1989-90 and FY 1990-91, the budget for that program by $75,000 (total of $150,000).
I therefore move that the line-item cited herein be adopted by the Legislature notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 20:

Bernard-Stevens	Crosby	Hall	Langford	Scofield
Chambers	Dierks	Hartnett	Lindsay	Smith
Conway	Elmer	Kristensen	Peterson	Weihing
Coordsen	Goodrich	Landis	Robak	Withem

Voting in the negative, 13:

Ashford	Beck	Johnson, L.	Morrissey	Warner
Baack	Beyer	McFarland	Pirsch	Wehrbein
Barrett	Hannibal	Moore		

Present and not voting, 8:

Abboud	Johnson, R.	Nelson	Schimek	Schmit
Byars	Korshoj	Rogers		

Excused and not voting, 8:

Chizek	Hefner	Lamb	Schellpeper	Wesely
Haberman	Labedz	Lynch		

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 813

Mr. Conway moved to override the Governor's veto of LB 813, Section 9, to restore funding for 9.5 new probation staff in the amount of $175,386 in FY90 and $168,094 in FY91.

Mr. Conway withdrew his motion to override.

MOTION - Override Veto on LB 814

Mr. Dierks moved that lines 14 through 18, page 8, of LB 814, Section 9, be restored notwithstanding the objections of the Governor.
This provides funding to replace the dam at Atkinson State Recreation Area.

Mr. Dierks moved for a call of the house. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

Mr. Dierks requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 18:

Bernard-Stevens	Elmer	Langford	Rogers	Smith
Coordsen	Hartnett	Nelson	Schellpeper	Weihing
Dierks	Hefner	Peterson	Schmit	Wesely
	Korshoj	Robak	Scofield	

Voting in the negative, 21:

Abboud	Beyer	Hannibal	Landis	Pirsch
Ashford	Byars	Johnson, L.	Lindsay	Schimek
Baack	Conway	Johnson, R.	McFarland	Warner
Barrett	Hall	Lamb	Moore	Wehrbein
Beck				

Present and not voting, 6:

Chambers Goodrich Kristensen Morrissey Withem
Crosby

Excused and not voting, 4:

Chizek Haberman Labedz Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Unbracket LB 272A

Mr. Schmit moved to postpone LB 272A to a time certain, specifically May 24, 1989 at 4:38 p.m.

Mr. R. Johnson requested a ruling of the Chair on whether LB 272A was properly before the Legislature pursuant to the daily agenda.

The Chair ruled that LB 272A was not properly before the Legislature.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 17 ayes, 15 nays, and 17 not voting.

Mr. Schmit requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 8:

Labedz McFarland Robak Smith Wesely
Landis Moore Schmit

Voting in the negative, 31:

Abboud	Byars	Hefner	Langford	Schimek
Ashford	Coordsen	Johnson, L.	Lindsay	Scofield
Baack	Crosby	Johnson, R.	Morrissey	Warner
Beck	Elmer	Korshoj	Pirsch	Wehrbein
Bernard-Stevens	Haberman	Kristensen	Rogers	Weihing
Beyer	Hall	Lamb	Schellpeper	Withem
	Hannibal			

Present and not voting, 8:

Barrett	Conway	Goodrich	Nelson	Peterson
Chambers	Dierks	Hartnett		

Excused and not voting, 2:

Chizek Lynch

The Schmit motion to overrule the Chair lost with 8 ayes, 31 nays, 8 present and not voting, and 2 excused and not voting.

COMMUNICATION

May 24, 1989

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 813 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:r

Enc.

CERTIFICATE

Legislative Bill 813 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 said line-item vetoes as follows:

1. Section 16, Page 33 and 34, Agency 13 - Program 508, School Assistance and Support (Textbook Loan Program)
2. Section 16, page 22, Agency 13 - State Department of Education, Program 25 - Departmental Administration (School Reorganization Surveys)
3. Section 53, page 138, Agency 51 - University of Nebraska. Family Practice Residency Program. Funds earmarked to the University of Nebraska Medical Center for the operations of the Family Practice Residency Program.
4. Section 28, page 63, 64, 65 and 66, Agency 25 - Department of Public Institutions. To appropriate funds to the Norfolk Regional Center, Open Ward 16, as well as development of psychiatric emergency services within the state.
5. Section 69, page 166 and 167, Agency 70 - State Foster Care Review Board.

(Signed) William E. Barrett
President of the Legislature

MOTION - Adjournment

Mr. Chambers moved to adjourn until 8:00 a.m., May 25, 1989. The motion lost with 9 ayes, 32 nays, 6 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 814

Mrs. Langford moved to override the Governor's line-item vetoes of LB 814 contained in section 30, page 17, line 21, for: planning money for Founders Hall Addition at Kearney State College.

Mrs. Langford moved for a call of the house. The motion prevailed with 19 ayes, 9 nays, and 21 not voting.

Mrs. Langford requested a roll call vote on her motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 17:

Baack	Conway	Goodrich	Labedz	Peterson
Bernard-Stevens	Crosby	Hall	Langford	Schellpeper
Chambers	Dierks	Hefner	Nelson	Scofield
	Elmer	Kristensen		

Voting in the negative, 20:

Abboud	Byars	Johnson, R.	McFarland	Wehrbein
Barrett	Coordsen	Korshoj	Moore	Weihing
Beck	Haberman	Lamb	Pirsch	Wesely
Beyer	Hannibal	Landis	Warner	Withem

Present and not voting, 9:

Ashford	Johnson, L.	Morrissey	Rogers	Smith
Hartnett	Lindsay	Robak	Schimek	

Excused and not voting, 3:

Chizek	Lynch	Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Chizek asked unanimous consent to print the following amendment to LB 747 in the Journal. No objections. So ordered.

AM1942

1. Strike the original sections and insert the following new sections:

"Section 1. That section 3, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 3. (1) All property tax valuations, except motor vehicle valuations, shall be reduced by eight and one-half percent for tax year 1989 and for tax year 1990 unless the owner of a homestead receives an exemption under sections 77-3507 to 77-3509 or subdivision (1) of section 8 of this act.

(2) The county assessor shall adjust the assessment rolls to reflect the amount of the reductions provided in subsection (1) of this section.

(3) The county treasurer shall notify each taxpayer on his or her property tax statement of the total amount of property tax valuation assessed, the reduction in valuation provided by subsection (1) of this section, the net valuation, the total amount of property tax levied, the reduction in tax, and the net tax due.

Sec. 2. That section 8, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 8. All homesteads in this state shall be valued for taxation the same as other property except that for tax year 1989 and for tax year 1990 any owner of a homestead shall receive (1) an exemption of the first five thousand four hundred dollars of the actual value of the homestead if the owner files an application for such exemption and is qualified to receive it, (2) an exemption under sections 77-3507 to 77-3509 for which the owner is qualified, or (3) the eight and one-half percent reduction in valuation provided by section 3 of this act.

Sec. 3. That section 77-3512, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

77-3512. (1) It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application

therefor with the county assessor of the county in which the homestead is located after January 1 and on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year.

(2) It shall be the duty of each owner who applies for the homestead exemption provided in subdivision (1) of section 8 of this act to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before September 1. ~~, 1989, for tax year 1989.~~ Failure to comply with this subsection shall constitute a waiver of the exemption.

Sec. 4. That section 77-3513, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3513. (1) For the tax year 1988, it shall be the duty of each claimant who wants a homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor on or before April 1, 1988, and failure to do so shall constitute a waiver of the exemption for such year. The application shall include a certification of disability status as required by sections 77-3508 and 77-3509.

(2) Except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 2 of this act, section 77-3507 or 77-3509, or subdivision (1)(b), (c), (d), or (e) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant ~~shall qualify~~ qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 and section 2 of this act as though a claim were made.

(3) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 5. That section 77-3514, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3514. Commencing January 1, 1989, a

claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, and commencing January 1, 1990, a claimant who is the owner of a homestead which has been granted an exemption under section 2 of this act shall certify to the county assessor by April 1 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, rating by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs, or any other change that would affect the qualification for or type of exemption granted~~,~~ except income checked by the Tax Commissioner under section 77-3517. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 or section 2 of this act may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 6. That section 19, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

Sec. 19. The Property Tax Relief Act shall terminate on July 15, ~~1990~~ 1991.

Sec. 7. That original sections 77-3513 and 77-3514, Revised Statutes Supplement, 1988, section 77-3512, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, and sections 3, 8, and 19, Legislative Bill 84, Ninety-first Legislature, First Session, 1989, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION - Adjournment

Mr. Korshoj moved to adjourn sine die. The motion lost with 18 ayes, 23 nays, 5 present and not voting, and 3 excused and not voting.

MOTION - Override Veto on LB 814

Ms. Scofield moved to override the Governor's line-item veto of LB 814 contained in section 39 - FY 89-90 and FY 90-91 only - Trailside Museum.

Ms. Scofield moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Ms. Scofield requested a roll call vote on her motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Baack	Coordsen	Haberman	Lynch	Scofield
Bernard-Stevens	Crosby	Hefner	Peterson	Smith
Chambers	Dierks	Kristensen	Rogers	Weihing
Conway	Elmer	Labedz	Schellpeper	Wesely
	Goodrich	Langford	Schmit	

Voting in the negative, 18:

Abboud	Beyer	Johnson, R.	McFarland	Pirsch
Ashford	Byars	Korshoj	Moore	Warner
Barrett	Hall	Lamb	Morrissey	Withem
Beck	Hannibal	Landis		

Present and not voting, 7:

Hartnett	Lindsay	Robak	Schimek	Wehrbein
Johnson, L.	Nelson			

Excused and not voting, 1:

Chizek

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 814

Mr. Schellpeper moved to override the Governor's veto of LB 814, Sec. 50, pursuant to rule 6, section 11.

Mr. Schellpeper requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 24:

Baack	Dierks	Labedz	Peterson	Scofield
Beyer	Elmer	Langford	Robak	Smith
Byars	Goodrich	Lynch	Rogers	Wesely
Conway	Haberman	McFarland	Schellpeper	Withem
Coordsen	Kristensen	Nelson	Schmit	

Voting in the negative, 18:

Abboud	Beck	Hannibal	Johnson, R.	Landis
Ashford	Crosby	Hefner	Korshoj	Pirsch
Barrett	Hall	Johnson, L.	Lamb	Schimek

Warner	Wehrbein	Weihing		

Present and not voting, 6:

Bernard-Stevens	Chambers	Lindsay	Moore	Morrissey
	Hartnett			

Excused and not voting, 1:

Chizek

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adjournment

Mr. Korshoj moved to adjourn sine die. The motion lost with 12 ayes, 23 nays, 13 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB 49

Mr. Dierks moved that LB 49 become law notwithstanding the objections of the Governor.

Mr. Korshoj 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, 31:

Baack	Beyer	Dierks	Hefner	Labedz
Beck	Byars	Elmer	Johnson, R.	Lamb
Bernard-Stevens	Conway	Goodrich	Korshoj	Landis
	Coordsen	Haberman	Kristensen	Lynch

Morrissey	Robak	Scofield	Wehrbein	Wesely
Nelson	Rogers	Smith	Weihing	Withem
Peterson	Schellpeper			

Voting in the negative, 7:

Abboud	Hannibal	McFarland	Moore	Warner
Ashford	Hartnett			

Present and not voting, 9:

Barrett	Crosby	Johnson, L.	Lindsay	Schimek
Chambers	Hall	Langford	Pirsch	

Excused and not voting, 2:

Chizek	Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Vote on LB 49A

Mr. Dierks moved that LB 49A 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, 33:

Baack	Coordsen	Johnson, R.	Lynch	Scofield
Beck	Dierks	Korshoj	Morrissey	Smith
Bernard-Stevens	Elmer	Kristensen	Nelson	Wehrbein
	Goodrich	Labedz	Peterson	Weihing
Beyer	Haberman	Lamb	Robak	Wesely
Byars	Hall	Landis	Rogers	Withem
Conway	Hefner	Langford	Schellpeper	

Voting in the negative, 10:

Abboud	Hannibal	Johnson, L.	McFarland	Schimek
Ashford	Hartnett	Lindsay	Moore	Warner

Present and not voting, 4:

Barrett	Chambers	Crosby	Pirsch

Excused and not voting, 2:

Chizek	Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 162

Messrs. R. Johnson and Coordsen moved that LB 162 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, 15:

Beyer	Dierks	Hefner	Lamb	Nelson
Conway	Elmer	Johnson, R.	Lynch	Rogers
Coordsen	Haberman	Kristensen	Morrissey	Weihing

Voting in the negative, 17:

Abboud	Byars	Johnson, L.	McFarland	Schimek
Ashford	Chambers	Korshoj	Moore	Warner
Barrett	Hannibal	Lindsay	Pirsch	Withem
Beck	Hartnett			

Present and not voting, 15:

Baack	Goodrich	Landis	Robak	Smith
Bernard-Stevens	Hall	Langford	Schellpeper	Wehrbein
Crosby	Labedz	Peterson	Scofield	Wesely

Excused and not voting, 2:

Chizek Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 250

Mr. Withem moved that LB 250 become law notwithstanding the objections of the Governor, pursuant to Rule 6, Section 11.

Mrs. Langford 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, 36:

Ashford	Conway	Hefner	Lynch	Rogers
Baack	Crosby	Johnson, L.	McFarland	Schimek
Beck	Dierks	Johnson, R.	Moore	Scofield
Bernard-Stevens	Elmer	Kristensen	Morrissey	Warner
	Haberman	Labedz	Nelson	Wehrbein
Beyer	Hall	Lamb	Peterson	Wesely
Byars	Hannibal	Lindsay	Robak	Withem
Chambers	Hartnett			

Voting in the negative, 2:

Coordsen Langford

Present and not voting, 8:

Abboud	Goodrich	Pirsch	Smith	Weihing
Barrett	Korshoj	Schellpeper		

Excused and not voting, 3:

Chizek Landis 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 44

Mr. Bernard-Stevens moved that LB 44 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, 12:

Baack	Conway	Haberman	Morrissey	Robak
Bernard-Stevens	Dierks	Hartnett	Peterson	Weihing
	Elmer	Lynch		

Voting in the negative, 23:

Abboud	Byars	Johnson, R.	McFarland	Schimek
Ashford	Chambers	Korshoj	Moore	Scofield
Barrett	Crosby	Kristensen	Nelson	Warner
Beck	Hannibal	Lamb	Pirsch	Wesely
Beyer	Hefner	Lindsay		

Present and not voting, 11:

Coordsen	Johnson, L.	Langford	Schellpeper	Wehrbein
Goodrich	Labedz	Rogers	Smith	Withem
Hall				

Excused and not voting, 3:

Chizek Landis Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

COMMUNICATIONS

May 24, 1989

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 247A, I am delivering the bill for filing in the form and amounts as approved by the Governor.

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

PJO:r

May 24, 1989

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 301, I am delivering the bill for filing in the form and amounts as approved by the Governor.

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

PJO:r

May 24, 1989

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 814, I am delivering the bill for filing in the form and amounts as approved by the Governor.

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

PJO:r

May 24, 1989

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 308, I am delivering the bill for filing in the form and amounts as approved by the Governor.

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

PJO:r

May 24, 1989

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 49 and LB 49A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 49 and LB 49A notwithstanding the objections of the Governor.

Sincerely,

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 49 and Legislative Bill 49A 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 twenty-fourth day of May, 1989.

(Signed) William E. Barrett
President of the Legislature

COMMUNICATION

May 24, 1989

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 250 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 250 notwithstanding the objections of the Governor.

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

PJO:r
Enc.

CERTIFICATE

Legislative Bill 250 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 twenty-fourth day of May, 1989.

(Signed) William E. Barrett
President of the Legislature

EXECUTIVE BOARD REPORT

The Executive Board has appointed the following senators to serve on the committee to oversee a study of public postsecondary education (LB 247E):

Senator William Barrett
Senator John Lindsay
Senator Jerome Warner
Senator John Weihing
Senator Ron Withem

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

PRESIDENT NICHOL PRESIDING

MOTION - Advise Governor

Mr. Wehrbein moved that a committee of five be appointed to advise the Governor that the Ninety-First Legislature, First Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mmes. Langford, Labedz, Messrs. Conway, Abboud, and Hartnett 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.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teacher from Field Club School, Omaha; 43 sixth grade students and teacher from St. Isidore School, Columbus; and 19 fourth grade students and teacher from Sacred Heart School, Falls City.

MOTION - Approve Journal

Mr. Dierks moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed.

MOTION - Journal, Session Laws, and Index

Mrs. Pirsch moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Index by Patrick O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Adjourn Sine Die

Mr. Korshoj moved that the Ninety-First Legislature, First Session of the Legislature, having finished all business before it, now at 7:09 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
FIRST SESSION

CORRECTIONS FOR THE JOURNAL

Page 2758, line 17, strike "page 65 and 66" and insert "page 63, 64, 65 and 66".
The Journal for the Ninetieth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 75, 213, 258, 272, 279, 695, and 781 were received in my office on May 23, 1989.

These bills were signed by me on May 25, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 211, 215, 319, 323, 352, 412, 412A, 423, 444, 541, 630, 639, 640, 761, 780, 815, 815A, and 817 were received in my office on May 22, 1989.

These bills were signed by me on May 25, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

I hereby acknowledge receipt of your letter dated May 24, 1989 as a cover letter attached to enclosed Legislative Bill 308. This letter and enclosed Legislative Bill 308 was filed in the office of Secretary of State at 7:10 P.M. on Wednesday, May 24, 1989.

This letter indicates that inasmuch as the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 308 you are delivering the bill for filing in the office of Secretary of State in the form and the amounts as approved by the Governor.

I respectfully request of you to place a copy of this letter in the official legislative journal for the session just concluded of the Ninety-first Legislature, First Session.

Finally, Legislative Bill 308 will be filed in this office and made a part of the public record.

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

Enclosure: Certification

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received on Wednesday, May 24, 1989 at 7:10 P.M. a cover letter from Patrick J. O'Donnell, Clerk of the Legislature, attached to Legislative Bill 308, indicating that the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 308 and that the bill was delivered to the office of Secretary of State for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that Legislative Bill 308, along with the cover letter from Clerk Patrick J. O'Donnell, has been filed in the office of Secretary of State on May 24, 1989 and made a part of the public record at 7:10 P.M.

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

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

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

I hereby acknowledge receipt of your letter dated May 24, 1989 as a cover letter attached to enclosed Legislative Bill 814. This letter and enclosed Legislative Bill 814 was filed in the office of Secretary of State at 7:10 P.M. on Wednesday, May 24, 1989.

This letter indicates that inasmuch as the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 814

you are delivering the bill for filing in the office of Secretary of State in the form and the amounts as approved by the Governor.

I respectfully request of you to place a copy of this letter in the official legislative journal for the session just concluded of the Ninety-first Legislature, First Session.

Finally, Legislative Bill 814 will be filed in this office and made a part of the public record.

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

Enclosure: Certification

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received on Wednesday, May 24, 1989 at 7:10 P.M. a cover letter from Patrick J. O'Donnell, Clerk of the Legislature, attached to Legislative Bill 814, indicating that the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 814 and that the bill was delivered to the office of Secretary of State for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that Legislative Bill 814, along with the cover letter from Clerk Patrick J. O'Donnell, has been filed in the office of Secretary of State on May 24, 1989 and made a part of the public record at 7:10 P.M.

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

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

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

I hereby acknowledge receipt of your letter dated May 24, 1989 as a cover letter attached to enclosed Legislative Bill 247A. This letter and enclosed Legislative Bill 247A was filed in the office of Secretary of State at 7:10 P.M. on Wednesday, May 24, 1989.

This letter indicates that inasmuch as the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 247A you are delivering the bill for filing in the office of Secretary of State in the form and the amounts as approved by the Governor.

I respectfully request of you to place a copy of this letter in the official legislative journal for the session just concluded of the Ninety-first Legislature, First Session.

Finally, Legislative Bill 247A will be filed in this office and made a part of the public record.

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

Enclosure: Certification

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received on Wednesday, May 24, 1989 at 7:10 P.M. a cover letter from Patrick J. O'Donnell, Clerk of the Legislature, attached to Legislative Bill 247A, indicating that the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 247A and that the bill was delivered to the office of Secretary of State for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that Legislative Bill 247A, along with the cover letter from Clerk Patrick J. O'Donnell, has been filed in the

office of Secretary of State on May 24, 1989 and made a part of the public record at 7:10 P.M.

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

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

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

I hereby acknowledge receipt of your letter dated May 24, 1989 as a cover letter attached to enclosed Legislative Bill 301. This letter and enclosed Legislative Bill 301 was filed in the office of Secretary of State at 7:10 P.M. on Wednesday, May 24, 1989.

This letter indicates that inasmuch as the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 301 you are delivering the bill for filing in the office of Secretary of State in the form and the amounts as approved by the Governor.

I respectfully request of you to place a copy of this letter in the official legislative journal for the session just concluded of the Ninety-first Legislature, First Session.

Finally, Legislative Bill 301 will be filed in this office and made a part of the public record.

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

Enclosure: Certification

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received on Wednesday, May 24, 1989 at 7:10 P.M. a cover letter from Patrick J. O'Donnell, Clerk of the Legislature, attached to Legislative Bill 301, indicating that the Legislature did not override the line-item veto by Governor Orr on Legislative Bill 301 and that the bill was delivered to the office of Secretary of State for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that Legislative Bill 301, along with the cover letter from Clerk Patrick J. O'Donnell, has been filed in the office of Secretary of State on May 24, 1989 and made a part of the public record at 7:10 P.M.

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

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

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

This letter is to inform you and to have placed in the Journal the fact that Legislative Bills 49 and 49A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby acknowledge receipt of your cover letter dated May 24 and a certificate signed by William E. Barrett, President of the Legislature, the contents of which are as follows:

Legislative Bill 49 and Legislative Bill 49A 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 twenty-fourth day of May, 1989.

Finally, I hereby acknowledge that all of these documents 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. 49 and L.B. 49A, without the Governor's signature and with her objections was filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby certify that I received a cover letter dated May 24, 1989 and a certificate signed by William E. Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bills 49 and 49A 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 twenty-fourth day of May, 1989.

Finally, I hereby acknowledge 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-fifth day of May in the year of our Lord, one thousand nine hundred and eighty-nine.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

This letter is to inform you and to have placed in the Journal the fact that Legislative Bill 250, without the Governor's signature and with her objections, was filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby acknowledge receipt of your cover letter dated May 24 and a certificate signed by William E. Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 250 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-fourth day of May, 1989.

Finally, I hereby acknowledge that all of these documents 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. 250, without the Governor's signature and with her objections was filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby certify that I received a cover letter dated May 24, 1989 and a certificate signed by William E. Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 250 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-fourth day of May, 1989.

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-fifth day of May in the year of our Lord, one thousand nine hundred and eighty-nine.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 25, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

This letter is to inform you and to have placed in the Journal the fact that Legislative Bill 813, with the Governor's signature but with certain line-item vetoes, was filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby acknowledge receipt of your cover letter dated May 24 and a certificate signed by William E. Barrett, President of the Legislature, the contents of which are as follows:

Legislative Bill 813 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 said line-item vetoes as follows:

1. Section 16, page 33 and 34, Agency 13 - Program 508, School Assistance and Support (Textbook Loan Program)
2. Section 16, page 22, Agency 13 - State Department of Education, Program 25 - Departmental Administration (School Reorganization Surveys)
3. Section 53, page 138, Agency 51 - University of Nebraska. Family Practice Residency Program. Funds earmarked to the University of Nebraska Medical Center for the operations of the Family Practice Residency Program.
4. Section 28, page 63, 64, 65 and 66, Agency 25 - Department of Public Institutions. To appropriate funds to the Norfolk

Regional Center, Open Ward 16, as well as development of psychiatric emergency services within the state.

5. Section 69, page 166 and 167, Agency 70 - State Foster Care Review Board

Finally, I hereby acknowledge that all of these documents 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. 813, with the Governor's signature but with certain line-item vetoes was filed in the office of Secretary of State on May 24, 1989 at 7:10 P.M.

In addition, I hereby certify that I received a cover letter dated May 24, 1989 and a certificate signed by William E. Barrett as President of the Legislature, the contents of which are as follows:

Legislative Bill 813 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 said line-item vetoes as follows:

1. Section 16, page 33 and 34, Agency 13 - Program 508, School Assistant and Support (Textbook Loan Program)
2. Section 16, page 22, Agency 13 - State Department of Education, Program 25 - Departmental Administration (School Reorganization Surveys)
3. Section 53, Page 138, Agency 51 - University of Nebraska, Family Practice Residency Program. Funds earmarked to the University of Nebraska Medical Center for the operations of the Family Practice Residency Program.
4. Section 28, page 63, 64, 65 and 66, Agency 25 - Department of Public Institutions. To appropriate funds to the Norfolk Regional Center, Open Ward 16, as well as development of psychiatric emergency services within the state.

5. Section 69, page 166 and 167, Agency 70 - State Foster Care Review Board.

Finally, I hereby acknowledge 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-fifth day of May in the year of our Lord, one thousand nine hundred and eighty-nine.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGES FROM THE GOVERNOR

May 26, 1989

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

Dear Mr. President and Senators:

I am returning Legislative Bill 525 with my signature and with my line-item reductions. Legislative Bill 525 the so called "trailer bill" contained items of additional spending that would be nice to do if funds were available. Funding is not available to fund all items in the budget so I have been forced to veto all items in LB 525 except for the $2.1 million necessary to provide for rate increases for noninstitutional medical providers.

In order to balance the state budget the items listed on the attached summary have been vetoed. This is in keeping with the balanced budget requirements and prudent financial decisions that must be made.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:rm

Prepared 26-May-89

LB 525-TRAILER BILL TO APPROPRIATIONS BILL

VETO	DESCRIPTION	FUND	FY90 AMOUNT	FY91 AMOUNT
	Rate Incr for Providers	General	2,164,152	2,164,152
		Federal	3,296,741	3,296,741
*	Rate Increase for Hospitals	General	2,649,662	2,649,662
		Federal	4,036,338	4,036,338
*	Aid to Counties	General	2,256,000	4,105,000
*	State Aid to Education	General	9,000,000	9,000,000
	Grand Totals Before Veto	General	16,069,814	17,918,814
		Federal	7,333,079	7,333,079
*	Amount Vetoed	General	13,905,662	15,754,662
		Federal	4,036,338	4,036,338

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 744 without my signature and with my objections.

LB 744 would establish the Nebraska Education Data Center within the Department of Education for the commendable purpose of helping Nebraskans gauge the performance of the elementary and secondary education system in their state. The appropriation in the bill would reach $173,261 for ongoing operations and $300,000 for academic testing in 1990-91.

This expansion simply cannot be supported in view of other expenditure priorities adopted by the Legislature.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:acl

May 26, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 89, 89A, 289, 289A, 311, 355, 355A, 362, 362A, 377, 487, 487A, 566, 651, 651A, 653, 653A, and 706 were received in my office on May 23, 1989.

These bills were signed by me on May 26, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 137, 137A, 209, 408, 408A, 569, 569A, 574, 574A, 575, 575A, 586, 586A, 683, 683A, 710, 762, 762A, 767, and 767A were received in my office on May 22, 1989.

These bills were signed by me on May 26, 1989, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 705E without my signature and with my objections.

LB 705E would exempt the purchase of art by fine arts museums from the sales tax.

While there is some policy rationale for exempting such purchases, LB 705E contains a provision that would exempt money not yet due upon a sale that was made prior to the effective date of the act. Such targeted retroactive application of the law does not represent sound tax policy.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 603 and 603A without my signature and with my objections.

LB 603 and 603A would expand the role of the Foster Care Review Board and substantially increase the agency's budget. The Board would be allowed to participate directly in court proceedings that involve children placed in foster care.

LB 603 is contrary to the original intent of the Foster Care Review Board which was to provide an independent, outside review to the court of foster care placement decisions. The service rendered by dedicated members of the State Board and local boards provide a valuable check on placement decisions. However, to add the Board as a party to juvenile proceedings would only add to the level of bureaucracy and will not eliminate those few situations where there is disagreement among the professionals involved. Moreover, the well-being of the child is routinely protected in court proceedings through the county attorney or through the court's appointment of a Guardian Ad Litem.

LB 603 and 603A have the potential to increase the workload of the courts, exacerbate the conflict between agencies and do not provide for the most effective use of public resources to respond to the concerns that were intended to be addressed. For these reasons, I am vetoing LB 603 and 603A.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:pbl

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 588 without my signature and with my objections.

LB 588 increases the number of county commissioners from five to seven in Douglas County and allows for election of these commissioners by district.

County governments differ from other types of government. County boards are set up to be administrative and, therefore, commissioners need to be held accountable to all the people of the county and not just those in their districts.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 449 and LB 449A without my signature and with my objections.

LB 449 and 449A would extend the transitional benefits and provide funds for an additional one month cash assistance to AFDC clients who begin employment.

My veto of LB 449 and 449A is not based on the merit of the proposal, but on the need to balance the State budget. The addition of one month cash assistance will be paid out of State funds only, and this simply cannot be funded in this budget.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 378 and LB 378A without my signature and with my objections.

LB 378 and 378A establish and provide funds for an Office of Rural Health within the Nebraska Department of Health.

My veto of LB 378 is based on the fact that we currently do have a state designated Office of Rural Health whose activities are similar to those proposed in this bill. LB 378 will simply insert unnecessary constraints at this time, as we proceed to address the issue of rural health care in a wholistic manner.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 360 and LB 360A without my signature and with my objections.

LB 360 and 360A would require and provide funds for implementing increases in amounts to be set aside for burial expenses and personal care allowance for persons living in care facilities.

The increases proposed in LB 360 would have increased these allowances above existing federal requirements, but this simply cannot be funded in this budget.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 388 without my signature and with my objections.

LB 388 lowers the voluntary age for participation in the State Employees Retirement System to 20.

At this time it is not fiscally prudent to expand and fund this program.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 357 and LB 357A without my signature and with my objections.

LB 357 would establish a tuition loan program and a financial incentive program to attract people into the nursing profession and encourage them to serve in less populated areas of Nebraska. While the goals of this program are laudable, my preferred approach is to assist nursing students with scholarships available through our

postsecondary educational institutions and through the Nebraska Coordinating Commission for Postsecondary Education.

The Scholarship Assistance Program, established in LB 651 and administered by the Coordinating Commission, allows governing boards the flexibility of setting aside a specified amount of funding to address manpower shortages, such as nursing. This approach will assist students who wish to pursue nursing and other careers and will not take additional state funds for administration. As manpower needs change, the flexibility is available to adapt to those needs without abolishing one program and starting another.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrj

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 336, the Nebraska School Restructuring Act, without my signature and with my objections.

LB 336 would establish an ad hoc commission and an incentive grants program for schools. In addition, it would authorize the State Board of Education and local school boards to waive rules or policies under certain conditions.

The intent of the internal restructuring approach envisioned in the bill is laudable. Nebraskans need to find new ways of energizing the learning process within our schools. The Legislature's December, 1988 symposium contributed significantly to the exploration of this dynamic topic.

The condition of the budget, however, makes it imprudent to adopt and fund this new $100,000 a year program at this time.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 177 and LB 177A without my signature and with my objections.

LB 177 creates a State Protocol Office. A similar bill was vetoed last legislative session and the responsibility placed in the Lt. Governor's Office. The services of a protocol office can still be provided more efficiently administratively instead of creating a new and separate bureaucracy.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jml

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 147 without my signature and with my objections.

LB 147 would create two district court judges and one juvenile court judge.

The condition of the budget makes it imprudent to add these judges at this time. The state, however, has made a substantial commitment to the criminal justice system. To name just a few examples, overtime funds have been appropriated to the State Patrol to help fight drugs. State Anti-Drug Abuse grants have been made to state and local governments. In addition, pilot grants will be awarded to fight the metropolitan drug and gang problem.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:gkl

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 438 and LB 438A without my signature and with my objections.

LB 438 removes the requirement for school districts to pay a "tuition" fee for students placed in the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped. The bill also establishes the purpose of the two schools and makes technical changes.

Nebraska has a unique responsibility insofar as maintaining high-quality programs at the two State Schools is concerned. At the same time, the current uniform policy of requiring school districts to participate financially in the education of all their students, no matter where they are placed, is a fair policy.

Given the fiscal situation that has resulted from other legislative spending priorities, this $290,000 a year increase in General Fund obligations is unwise. Furthermore, there are indications that the resulting cash fund draw-down could require an additional General Fund expenditure of $395,000 a year beginning in 1991-92.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have returned LB 354 and LB 354A without my signature and with my objections.

LB 354 and 354A would require and provide funds for expanded Medicaid coverage to certain individuals who are not currently eligible because of income eligibility standards.

My veto of LB 354 and 354A is not based on the merit of the proposal, but on the need to balance the State budget. Also, LB 354 would have placed in State law eligibility standards that are more liberal than current federal requirements. Nebraska will follow the federal proposal to phase in income eligibility standards for aged, blind and disabled persons, and the funds provided in LB 813 meet current requirements.

Sincerely,
(Signed) KAY A. ORR
Governor

May 26, 1989

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

Dear Mr. President and Senators:

I have decided to let LB 611 and LB 611A become law without my signature.

The Legislature is to be applauded for examining and attempting to address school financing this session. However, the fact that the bill "sunsets" the School Foundation and Equalization Act on June 30, 1991, without proposing something to replace it, is troubling.

LB 611 also suggests that options other than the state income tax have not, and possibly will not, be fully explored. It must be understood that LB 611 may not represent the ultimate solution for the very complex problem of providing a stable and fair means of supporting Nebraska's public schools.

Sincerely,
(Signed) KAY A. ORR
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 30, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

On Friday, May 26, 1989 at 5:37 P.M., the Honorable Governor Kay A. Orr filed in the office of Secretary of State L.B. 525 with her signature and with certain line-item reductions. Attached to the bill was her letter dated May 26, 1989 addressed to the President and Members of the Legislature indicating that she had signed L.B. 525 and had used her line-item veto authority on L.B. 525, the so called "trailer bill". Finally, she filed with the bill her line-item veto exhibit. L.B. 525, along with her letter and exhibit were officially filed in this office on May 26, 1989 at 5:37 p.m.

Inasmuch as the Legislature had adjourned sine die, L.B. 525 becomes law in the amounts approved by the Governor with her signature.

I would respectfully request also that a copy of this letter and accompanying certification be placed in the Legislative Journal for the Ninety-first Legislature, first session.

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

Attachment: Certification

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Friday, May 26, 1989 at 5:37 P.M., the Honorable Kay A. Orr filed in the office of Secretary of State L.B. 525 with her signature and with certain line-item reductions. Attached to the bill was her letter dated May 26, 1989 addressed to the President and Members of the Legislature indicating that she had signed L.B. 525 and had used her line-item veto authority on L.B. 525, the so called "trailer bill". Finally, she filed with the bill her line-item veto exhibit.

L.B. 525, along with her letter and exhibit were officially filed in this office on May 26, 1989 at 5:37 P.M.

Inasmuch as the Legislature had adjourned sine die, L.B. 525 becomes law in the amounts approved by the Governor with her signature.

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

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

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

May 30, 1989

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

On Tuesday, May 30, 1989 at 10:03 A.M. I received from the Honorable Kay A. Orr, Governor, enclosed Legislative Bills 611 and 611A. Attached to the bills was a letter dated May 30, 1989, signed by Kay A. Orr and addressed to me as Secretary of State, indicating that these bills, L.B. 611 and 611A rested with the Governor for five days (Sunday excepted) after the Legislature adjourned. Since the Governor indicated in her letter that as provided in Article IV, Section 15 of the Constitution, she neither signed nor vetoed Legislative Bills 611 and 611A, she has allowed them to become law without her signature.

Please be advised that the Governor's letter and Legislative Bills 611 and 611A were officially filed in my office at 10:03 A.M. on Tuesday, May 30, 1989 and will become law as provided by the Constitution.

Finally, I would respectfully request that you place a copy of this letter and certification in the official Legislative Journal for the Ninety-first Legislature, first session. So that your records are complete, I am also sending you a photocopy of the Governor's letter

dated May 30 with reference to enclosed Legislative Bills 611 and 611A.

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

Attachments: Certification
Copy of letter from Governor dated May 30, 1989

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bills 611 and 611A were duly passed by the Ninety-first Legislature, First Session on the twenty-second day of May, 1989. Further, I hereby certify that Engrossed Legislative Bills 611 and 611A were presented to the Governor on May 22, 1989. Further, I hereby certify that Legislative Bills 611 and 611A rested with the Governor for five days after the Legislature had adjourned (Sunday excepted). Further, I hereby certify that as provided in Article IV, Section 15 of the Constitution, the Governor neither signed nor vetoed Legislative Bills 611 and 611A and thus allowed them to become law without her signature.

Further, I hereby certify the Honorable Kay A. Orr, Governor, presented Legislative Bills 611 and 611A to the office of Secretary of State on Tuesday, May 30, 1989 at 10:03 A.M. for official filing in the office of Secretary of State.

Further, I hereby certify that inasmuch as the Governor neither signed nor vetoed Legislative Bills 611 and 611A said bills having rested with the Governor for five days (Sunday excepted) and the Governor, having neither signed nor vetoed said bills, they become law as provided in the Constitution.

Finally, I hereby certify that these bills, 611 and 611A, have been officially filed to become law and made a part of the public record.

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

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

(SEAL) Allen J. Beermann, Secretary of State

REPORT

Pursuant to Rule 3, Section 20(A)(iii), the Franklin Credit Union Investigating Committee reports that subpoenas have been issued on this the 24th day of May, 1989, to the following individuals to appear before the committee at the State Capitol Building on June 22, 1989.

Carol Stitt	- 9:00 a.m.
Dennis Carlson	- 9:00 a.m.
Irl Carmean	-10:00 a.m.
Michael Hoch	-10:00 a.m.
William Howland	-11:00 a.m.
(both a subpoena & subpoena duces tecum)	
Thomas Vlahoulis	-11:00 a.m.
(both a subpoena & subpoena duces tecum)	
Robert Spire	- 1:00 p.m.

These subpoenas have been issued for the purposes as outlined in Legislative Resolution No. 5, Ninety-First Legislature, First Session.

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

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-First Legislature, First Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

May 31, 1989
Lincoln, Nebraska

CHRONOLOGY OF BILLS

NINETY-FIRST LEGISLATURE
FIRST SESSION
1989

LEGISLATIVE BILL 1. By Executive Board

Jan.	5	2	Read first time	44
Jan.	9	3	Placed on General File	92
Jan.	10	4	Advanced for Review	136
Jan.	11	5	Placed on Select File	181
Jan.	13	7	Advanced for Engrossment	218
Jan.	17	8	Correctly Engrossed	240
Jan.	20	11	Final Reading 36-0-13	373
Jan.	20	11	Speaker signed	387
Jan.	23	12	Presented to Governor (1/20)	390
Jan.	24	13	Approved by Governor (1/24)	416

LEGISLATIVE BILL 2. By Executive Board

Jan.	5	2	Read first time	44
Jan.	9	3	Placed on General File	92
Jan.	10	4	Advanced for Review	136
Jan.	11	5	Placed on Select File	181
Jan.	13	7	Advanced for Engrossment	218
Jan.	17	8	Correctly Engrossed	240
Jan.	20	11	Final Reading 37-0-12	374
Jan.	20	11	Speaker signed	387
Jan.	23	12	Presented to Governor (1/20)	390
Jan.	24	13	Approved by Governor (1/24)	416

LEGISLATIVE BILL 3. By Executive Board

Jan.	5	2	Read first time	44
Jan.	9	3	Placed on General File	92
Jan.	10	4	Advanced for Review	136
Jan.	11	5	Placed on Select File	181
Jan.	13	7	Advanced for Engrossment	218

Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 36-0-13 375
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 4. By Executive Board

Jan. 5 2 Read first time 45
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 136
Jan. 11 5 Placed on Select File - AM5000 182
Jan. 13 7 AM5000 (E & R) adopted.
Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 38-0-11 376
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 5. By Executive Board

Jan. 5 2 Read first time 45
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 136
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 40-0-9 377
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 6. By Executive Board

Jan. 5 2 Read first time 45
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 136
Jan. 11 5 Placed on Select File - AM5001 182
Jan. 13 7 AM5001 (E & R) adopted.
Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 42-0-7 378
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390

Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 7. By Executive Board

Jan. 5 2 Read first time 46
Jan. 9 3 Placed on General File 92
Jan. 10 4 Labedz motion to indefinitely postpone prevailed 137

LEGISLATIVE BILL 8. By Executive Board

Jan. 5 2 Read first time 46
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 42-0-7 379
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 9. By Executive Board

Jan. 5 2 Read first time 46
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 42-0-7 380
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 10. By Executive Board

Jan. 5 2 Read first time 46
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File - AM5002 182
Jan. 13 7 AM5002 (E & R) adopted. Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 42-0-7 381

Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 11. By Executive Board

Jan. 5 2 Read first time 46
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 42-0-7 381
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 12. By Executive Board

Jan. 5 2 Read first time 47
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 43-0-6 382
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 13. By Executive Board

Jan. 5 2 Read first time 47
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 25 14 Final Reading 40-0-9 426
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 14. By Executive Board

Jan. 5 2 Read first time 47
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 137
Jan. 11 5 Placed on Select File 182
Jan. 13 7 Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 45-0-4 383
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 15. By Executive Board

Jan. 5 2 Read first time 47
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 138
Jan. 11 5 Placed on Select File - AM5003 182
Jan. 13 7 AM5003 (E & R) adopted.
Advanced for Engrossment 218
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 45-0-4 384
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 16. By Executive Board

Jan. 5 2 Read first time 47
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 138
Jan. 11 5 Placed on Select File 183
Jan. 13 7 Advanced for Engrossment 219
Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 45-0-4 385
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 17. By Executive Board

Jan. 5 2 Read first time 48
Jan. 9 3 Placed on General File 92
Jan. 10 4 Advanced for Review 138
Jan. 11 5 Placed on Select File 183
Jan. 13 7 Advanced for Engrossment 219

Jan. 17 8 Correctly Engrossed 240
Jan. 20 11 Final Reading 43-0-6 386
Jan. 20 11 Speaker signed 387
Jan. 23 12 Presented to Governor (1/20) 390
Jan. 24 13 Approved by Governor (1/24) 416

LEGISLATIVE BILL 18. By Executive Board

Jan. 5 2 Read first time 48
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 177
Jan. 12 6 Placed on Select File - AM5006 204
Jan. 17 8 AM5006 (E & R) adopted.
Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 43-0-6 426
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 19. By Executive Board

Jan. 5 2 Read first time 48
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 177
Jan. 12 6 Placed on Select File 204
Jan. 17 8 Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 43-0-6 427
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 20. By Executive Board

Jan. 5 2 Read first time 48
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 177
Jan. 12 6 Placed on Select File 204
Jan. 17 8 Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 42-0-7 428
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 21. By Executive Board

Jan.	5	2	Read first time	48
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	177
Jan.	12	6	Placed on Select File	204
Jan.	17	8	Advanced for Engrossment	241
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 45-0-4	429
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 22. By Executive Board

Jan.	5	2	Read first time	49
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	177
Jan.	12	6	Placed on Select File - AM5007	204
Jan.	17	8	AM5007 (E & R) adopted. Advanced for Engrossment	241
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 45-0-4	430
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 23. By Executive Board

Jan.	5	2	Read first time	49
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	177
Jan.	12	6	Placed on Select File	204
Jan.	17	8	Advanced for Engrossment	241
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 45-0-4	431
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 24. By Executive Board

Jan.	5	2	Read first time	49
Jan.	9	3	Placed on General File	92

Jan. 11 5 Advanced for Review 177
Jan. 12 6 Placed on Select File 204
Jan. 17 8 Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 46-0-3 431
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 25. By Executive Board

Jan. 5 2 Read first time 49
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 178
Jan. 12 6 Placed on Select File - AM5004 204
Jan. 17 8 AM5004 (E & R) adopted.
Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 45-0-4 432
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 26. By Executive Board

Jan. 5 2 Read first time 50
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 178
Jan. 12 6 Placed on Select File - AM5005 205
Jan. 17 8 AM5005 (E & R) adopted.
Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 47-0-2 433
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 27. By Executive Board

Jan. 5 2 Read first time 50
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 178
Jan. 12 6 Placed on Select File 205
Jan. 17 8 Advanced for Engrossment 241
Jan. 18 9 Correctly Engrossed 256

Jan.	25	14	Final Reading 47-0-2	434
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 28. By Executive Board

Jan.	5	2	Read first time	50
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	178
Jan.	12	6	Placed on Select File	205
Jan.	17	8	Advanced for Engrossment	242
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 46-0-3	435
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 29. By Executive Board

Jan.	5	2	Read first time	50
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	178
Jan.	12	6	Placed on Select File	205
Jan.	17	8	Advanced for Engrossment	242
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 47-0-2	435
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 30. By Executive Board

Jan.	5	2	Read first time	50
Jan.	9	3	Placed on General File	92
Jan.	11	5	Advanced for Review	178
Jan.	13	7	Placed on Select File	223
Jan.	17	8	Advanced for Engrossment	242
Jan.	18	9	Correctly Engrossed	256
Jan.	25	14	Final Reading 46-0-3	436
Jan.	25	14	Speaker signed	443
Jan.	25	14	Presented to Governor (1/25)	445
Feb.	1	19	Approved by Governor (1/27)	529

LEGISLATIVE BILL 31. By Executive Board

Jan. 5 2 Read first time 51
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 178
Jan. 13 7 Placed on Select File 223
Jan. 17 8 Advanced for Engrossment 242
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 46-0-3 437
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 32. By Executive Board

Jan. 5 2 Read first time 51
Jan. 9 3 Placed on General File 92
Jan. 11 4 Advanced for Review 178
Jan. 13 7 Placed on Select File - AM5008 223
Jan. 17 8 AM5008 (E & R) adopted.
Advanced for Engrossment 242
Jan. 18 9 Correctly Engrossed 256
Jan. 25 14 Final Reading 46-0-3 438
Jan. 25 14 Speaker signed 443
Jan. 25 14 Presented to Governor (1/25) 445
Feb. 1 19 Approved by Governor (1/27) 529

LEGISLATIVE BILL 33. By Executive Board

Jan. 5 2 Read first time 51
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 179
Jan. 13 7 Placed on Select File - AM5009 224
Jan. 17 8 AM5009 (E & R) adopted.
Advanced for Engrossment 242
Jan. 18 9 Correctly Engrossed 256
Feb. 2 20 Final Reading 42-0-7 556
Feb. 2 20 President signed 558
Feb. 2 20 Presented to Governor (2/2) 565
Feb. 8 24 Approved by Governor (2/7) 642

LEGISLATIVE BILL 34. By Executive Board

Jan. 5 2 Read first time 51
Jan. 9 3 Placed on General File 92
Jan. 11 5 Advanced for Review 179

Jan.	13	7	Placed on Select File - AM5010	225
Jan.	17	8	AM5010 (E & R) adopted. Advanced for Engrossment	242
Jan.	18	9	Correctly Engrossed	256
Feb.	2	20	Final Reading 43-0-6	557
Feb.	2	20	President signed	558
Feb.	2	20	Presented to Governor (2/2)	565
Feb.	8	24	Approved by Governor (2/7)	642

LEGISLATIVE BILL 35. By R. Johnson

Jan.	5	2	Read first time	52
Jan.	9	3	Referred to Committee on Agriculture	92
Jan.	9	3	Notice of hearing (1/17)	108
Jan.	18	9	Placed on General File	258
Jan.	19	10	Advanced for Review	309
Jan.	20	11	Placed on Select File - AM0102	371
Jan.	23	12	AM0102 (E & R) adopted. R. Johnson FA6 adopted. Advanced for Engrossment	400
Jan.	24	13	Correctly Engrossed	415
Feb.	7	23	Final Reading 35-0-14	613
Feb.	7	23	President signed	625
Feb.	7	23	Presented to Governor (2/7)	635
Feb.	10	26	Approved by Governor (2/10)	692

LEGISLATIVE BILL 36. By R. Johnson

Jan.	5	2	Read first time	52
Jan.	9	3	Referred to Committee on Agriculture	92
Jan.	9	3	Notice of hearing (1/17)	108
Jan.	18	9	Placed on General File	258
Jan.	19	10	Advanced for Review	309
Jan.	20	11	Placed on Select File	371
Jan.	23	12	Advanced for Engrossment	400
Jan.	24	13	Correctly Engrossed	415
Feb.	7	23	Final Reading 36-0-13	614
Feb.	7	23	President signed	625
Feb.	7	23	Presented to Governor (2/7)	635
Feb.	10	26	Approved by Governor (2/10)	692

LEGISLATIVE BILL 37. By R. Johnson

Jan.	5	2	Read first time	52
Jan.	9	3	Referred to Committee on Agriculture	92
Jan.	12	6	Notice of hearing (1/24)	199

Feb. 9 25 Placed on General File - Com AM0289 678
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 20 49 R. Johnson FA81 to committee amendment printed 1231

LEGISLATIVE BILL 37A. By R. Johnson

Feb. 13 27 Read first time. Placed on General File 720

LEGISLATIVE BILL 38. By R. Johnson

Jan. 5 2 Read first time 52
Jan. 9 3 Referred to Committee on Agriculture 93
Jan. 9 3 Notice of hearing (1/17) 108
Jan. 18 9 Placed on General File 258
Jan. 19 10 Advanced for Review 312
Jan. 20 11 Placed on Select File - AM0104 371
Jan. 23 12 AM0104 (E & R) adopted. Advanced for Engrossment 400
Jan. 24 13 Correctly Engrossed 415
Feb. 7 23 Final Reading 39-0-10 615
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 39. By R. Johnson

Jan. 5 2 Read first time 53
Jan. 9 3 Referred to Committee on Agriculture 93
Jan. 12 6 Notice of hearing (1/24) 199
Feb. 15 29 Placed on General File - Com AM0390 750

LEGISLATIVE BILL 40. By Schmit, Ashford

Jan. 5 2 Read first time 53
Jan. 9 3 Referred to Committee on Nebraska Retirement Systems 93
Feb. 15 29 Notice of hearing (3/2) 763

LEGISLATIVE BILL 41. By Schmit, Ashford

Jan. 5 2 Read first time 53
Jan. 9 3 Referred to Committee on Nebraska Retirement Systems 93
Feb. 15 29 Notice of hearing (3/2) 763

Mar. 16 47 Placed on General File - Com AM0775 1182

LEGISLATIVE BILL 42. By Schmit, Ashford

Jan. 5 2 Read first time 53
Jan. 9 3 Referred to Committee on Judiciary 93
Jan. 25 14 Notice of hearing (2/8) 424
Feb. 10 26 Placed on General File 690

LEGISLATIVE BILL 43. By Bernard-Stevens

Jan. 5 2 Read first time 54
Jan. 9 3 Referred to Committee on Natural Resources 93
Jan. 13 7 Notice of hearing (1/25) 216
Jan. 26 15 Placed on General File 449
Jan. 31 18 Advanced for Review 519
Feb. 1 19 Placed on Select File 527
Feb. 7 23 Advanced for Engrossment 631
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 31-0-18 706
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor 2/16) 792

LEGISLATIVE BILL 44. By Bernard-Stevens

Jan. 5 2 Read first time 54
Jan. 9 3 Referred to Committee on Judiciary 93
Jan. 25 14 Notice of hearing (2/8) 424
Feb. 10 26 Placed on General File 690
Mar. 30 56 Advanced for Review 1402
Apr. 3 57 Placed on Select File - AM7016 1441
Apr. 7 61 AM7016 (E & R) adopted.
Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
May 17 85 Final Reading 27-14-8 2458
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Returned by Governor without approval (5/23) . 2724
May 24 90 Bernard-Stevens motion to override
veto failed 12-23-14 2769

LEGISLATIVE BILL 44A. By Bernard-Stevens

Feb. 15 29 Read first time. Placed on General File 763
Mar. 30 56 Advanced for Review 1403
Apr. 3 57 Placed on Select File 1441
Apr. 7 61 Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
May 17 85 Final Reading 26-14-9 2459
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Returned by Governor without approval (5/23) . 2724

LEGISLATIVE BILL 45. By Bernard-Stevens

Jan. 5 2 Read first time 54
Jan. 9 3 Referred to Committee on Natural Resources 93
Jan. 12 6 Notice of hearing (1/19) 200
Jan. 20 11 Placed on General File 371
Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File - AM5012 412
Jan. 25 14 AM5012 (E & R) adopted.
Advanced for Engrossment 444
Jan. 26 15 Correctly Engrossed 449
Feb. 7 23 Final Reading 44-0-5 623
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 46. By Lamb, Schimek

Jan. 5 2 Read first time 54
Jan. 9 3 Referred to Committee on Nebraska
Retirement Systems 93
Jan. 18 9 Notice of hearing (1/25) 257
Feb. 7 23 Placed on General File 635
Mar. 8 42 Advanced for Review 1029
Mar. 13 44 Placed on Select File 1064
Mar. 22 51 Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
Apr. 5 59 Final Reading w/E 35-0-14 1511
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 47. By Dierks

Jan. 5 2 Read first time 54

Jan.	9	3	Referred to Committee on Transportation	93
Jan.	27	16	Notice of hearing (2/6)	469
Feb.	8	24	Placed on General File	646
Mar.	30	56	Advanced for Review	1400
Apr.	3	57	Placed on Select File - AM7007	1441
Apr.	7	61	AM7007 (E & R) adopted. Advanced for Engrossment	1573
Apr.	11	63	Correctly Engrossed	1649
Apr.	17	66	Final Reading 40-0-9	1712
Apr.	17	66	Speaker signed	1718
Apr.	17	66	Presented to Governor (4/17)	1720
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 48. By Dierks

Jan.	5	2	Read first time	55
Jan.	5	2	Chambers, Schellpeper, Hefner, Lamb, Hartnett, Nelson, and Crosby names added	88
Jan.	9	3	Referred to Committee on Health and Human Services	93
Jan.	11	5	Notice of hearing (1/20)	193
Jan.	27	16	Placed on General File - Com AM0040	474
Jan.	30	17	Bernard-Stevens AM0127 printed	492
Jan.	31	18	Committee AM0040 adopted. Bernard-Stevens pending AM0127 p. 492 lost. Pending	522
Jan.	31	18	Hall FA16 printed	525
Feb.	1	19	Hall pending FA16 p. 525 lost. Bernard-Stevens AM0175 lost as amended by Elmer FA17. Pending	544
Feb.	2	20	Bernard-Stevens motion to indefinitely postpone withdrawn. Advanced for Review	559
Feb.	3	21	Placed on Select File	577
Feb.	3	21	Moore AM0223 (1) printed	597
Feb.	3	21	Moore AM0221 (2), AM0215 (3), AM0220 (4), AM0219 (5), and AM0225 (6) printed	598
Feb.	3	21	Moore AM0222 (7), AM0218 (8), AM0217 (9) AM0216 (10), AM0213 (11), and AM0224 (12) printed	599
Feb.	9	25	Moore AM0309 printed	682
Feb.	10	26	Moore pending AM0223 (1), AM0221 (2), AM0215 (3), AM0220 (4), AM0219 (5), AM0225 (6), AM0222 (7), AM0218 (8), AM0217 (9), AM0216 (10), AM0213 (11), and AM0224 (12) pages 597-599 withdrawn. Moore-Bernard-Stevens AM0261 withdrawn.	

			Moore request to substitute AM0315. Bernard-Stevens substitute AM0274 pending	696
Feb.	13	27	Bernard-Stevens pending AM0274 p. 697 and Moore pending AM0309 p. 682 withdrawn. Dierks motion to suspend rules and vote without debate withdrawn. Landis motion to indefinitely postpone laid over	719
Feb.	14	28	Bernard-Stevens AM0347 printed	740
Feb.	15	29	Attorney General's Opinion #89006 to Wesely	752
Feb.	21	31	Landis pending motion p. 719 withdrawn. Bernard-Stevens pending AM0347 p. 740, Dierks AM0480 and Moore reoffered AM0309 p. 682 lost. Advanced for Engrossment	803
Feb.	22	32	Correctly Engrossed	817
Mar.	2	38	Schmit motion to return to Select File for FA47 withdrawn	942
Mar.	2	38	Final Reading 27-16-6	943
Mar.	2	38	President signed	950
Mar.	2	38	Presented to Governor (3/2)	956
Mar.	7	41	Approved by Governor (3/6)	1004

LEGISLATIVE BILL 49. By Dierks

Jan.	5	2	Read first time	55
Jan.	9	3	Referred to Committee on Agriculture	93
Jan.	12	6	Notice of hearing (1/31)	199
Mar.	2	38	Placed on General File - Com AM0652 (printed separate)	950
Mar.	9	43	Dierks priority bill	1035
Mar.	13	44	Committee AM0652 adopted as amended by Elmer FA57, FA59 and FA61. Elmer FA58 and FA62 withdrawn. Elmer FA60 lost. Advanced for Review	1074
Mar.	16	47	Placed on Select File - AM5094	1188
Mar.	21	50	Dierks AM0988 printed	1263
Mar.	22	51	AM5094 (E & R) adopted. Dierks pending AM0988 p. 1263 adopted as amended by Elmer FA96. Advanced for Engrossment	1301
Mar.	28	54	Correctly Engrossed	1364
Mar.	28	54	ER6141 change	1365
May	17	85	Final Reading 42-2-5	2460
May	17	85	President signed	2475
May	17	85	Presented to Governor (5/17)	2482

May 24 90 Returned by Governor without approval (5/23) . 2726
May 24 90 Dierks motion to override veto
passed 31-7-11 2765
May 24 90 Communication and Certificate 2771
May 31 AJ Message from Secretary of State.
Certificate 2781

LEGISLATIVE BILL 49A. By Dierks

Mar. 13 44 Read first time. Placed on General File 1100
Mar. 20 49 Advanced for Review 1232
Mar. 21 50 Placed on Select File 1257
Mar. 22 51 Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
May 17 85 Final Reading 40-5-4 2461
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Returned by Governor without approval (5/23) . 2726
May 24 90 Dierks motion to override veto
passed 33-10-6 2766
May 24 90 Communication and Certificate 2771
May 31 AJ Message from Secretary of State.
Certificate 2781

LEGISLATIVE BILL 50. By Dierks

Jan. 5 2 Read first time 55
Jan. 9 3 Referred to Committee on Judiciary 93
Jan. 9 3 Wehrbein name added 129
Jan. 27 16 Notice of hearing (2/8) 460
Mar. 14 45 Placed on General File - Com AM0382 1130
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 51. By Dierks

Jan. 5 2 Read first time 55
Jan. 9 3 Referred to Committee on Health and
Human Services 93
Jan. 11 5 Notice of hearing (1/18) 193
Jan. 19 10 Placed on General File - Com AM0016 350
Jan. 20 11 Committee AM0016 adopted.
Advanced for Review 373
Jan. 23 12 Placed on Select File 399
Jan. 24 13 Advanced for Engrossment 420
Jan. 25 14 Correctly Engrossed 423

Feb. 7 23 Final Reading 44-0-5 619
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 52. By Dierks

Jan. 5 2 Read first time 56
Jan. 5 2 McFarland and Schellpeper names added 88
Jan. 9 3 Referred to Committee on Natural Resources 93
Jan. 9 3 Scofield name added 94
Feb. 8 24 Notice of hearing (2/16) 646
Mar. 14 45 Indefinitely postponed 1126

LEGISLATIVE BILL 53. By Weihing

Jan. 5 2 Read first time 56
Jan. 9 3 Referred to Committee on Urban Affairs 93
Jan. 10 4 Notice of hearing (1/17) 156
Jan. 18 9 Placed on General File 268
Jan. 19 10 Advanced for Review 313
Jan. 20 11 Placed on Select File - AM0103 371
Jan. 23 12 AM0103 (E & R) adopted. Weihing
AM0025 adopted. Advanced for Engrossment .. 401
Jan. 24 13 Correctly Engrossed 415
Feb. 7 23 Final Reading 40-0-9 616
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 54. By Weihing

Jan. 5 2 Read first time 56
Jan. 9 3 Referred to Committee on Agriculture 93
Jan. 11 5 Weihing motion to rerefer to Health
and Human Services Committee laid over 194
Jan. 12 6 Weihing pending motion p. 194 lost 205
Jan. 27 16 Notice of hearing (2/7) 479
Mar. 1 37 Placed on General File - Com AM0653 930
Mar. 8 42 Weihing priority bill 1020
Mar. 9 43 Committee AM0653 adopted.
Goodrich FA56 adopted. Pending 1045
Mar. 9 43 Advanced for Review 1046
Mar. 13 44 Placed on Select File - AM5091 1066
Mar. 14 45 Wehrbein AM0870 printed 1140

Mar. 15 46 Korshoj AM0908 printed 1169
Mar. 22 51 AM5091 (E & R) adopted. Wehrbein pending AM0870 p. 1140 adopted. Korshoj pending AM0908 p. 1169 withdrawn. Advanced for Engrossment 1300
Mar. 27 53 Correctly Engrossed. ER6140 change 1362

LEGISLATIVE BILL 54A. By Weihing

Mar. 17 48 Read first time. Placed on General File 1197
Mar. 23 52 Weihing AM1046 printed 1324
Mar. 28 54 Weihing pending AM1046 p. 1324 adopted. Advanced for Review 1366
Mar. 30 56 Placed on Select File 1398
Apr. 4 58 Advanced for Engrossment 1478
Apr. 7 61 Correctly Engrossed 1576

LEGISLATIVE BILL 55. By Weihing

Jan. 5 2 Read first time 56
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 93
Jan. 20 11 Coordsen name added 366
Feb. 1 19 Notice of hearing (2/9) 535
Feb. 16 30 Placed on General File - Com AM0373 779

LEGISLATIVE BILL 56. By Coordsen

Jan. 5 2 Read first time 56
Jan. 9 3 Referred to Committee on Natural Resources 93
Jan. 19 10 Notice of hearing (1/26) 308
Jan. 30 17 Placed on General File 491
Feb. 2 20 Advanced for Review 561
Feb. 3 21 Placed on Select File 578
Feb. 9 25 Advanced for Engrossment 677
Feb. 10 26 Correctly Engrossed 700
Feb. 16 30 Final Reading 36-0-13 769
Feb. 16 30 Speaker signed 777
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 57. By Coordsen

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Urban Affairs 93

Jan. 10 4 Notice of hearing (1/17) 156
Jan. 18 9 Placed on General File 268
Jan. 19 10 Advanced for Review 317
Jan. 20 11 Placed on Select File 372
Jan. 23 12 Advanced for Engrossment 401
Jan. 24 13 Correctly Engrossed 415
Feb. 9 25 Final Reading 38-0-11 657
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 58. By Coordsen

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Transportation 93
Jan. 9 3 Dierks name added 94
Jan. 9 3 Smith and Hartnett names added 118
Jan. 9 3 Notice of hearing (1/17) 129
Jan. 11 5 Ashford name added 198
Jan. 25 14 Placed on General File - Com AM0050 439
Jan. 26 15 Committee AM0050 adopted.
Advanced for Review 451
Jan. 26 15 Abboud name added 455
Jan. 27 16 Placed on Select File 459
Feb. 1 19 Advanced for Engrossment 532
Feb. 2 20 Correctly Engrossed 553
Feb. 9 25 Final Reading 41-3-5 666
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 59. By Coordsen

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Transportation 93
Jan. 27 16 Notice of hearing (3/7) 470

LEGISLATIVE BILL 60. By Barrett

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Banking,
Commerce and Insurance 93
Jan. 9 3 Notice of hearing (1/17) 130
Jan. 19 10 Placed on General File 296
Jan. 20 11 Advanced for Review 367

Jan. 23 12 Placed on Select File 398
Jan. 24 13 Advanced for Engrossment 420
Jan. 25 14 Correctly Engrossed 423
Feb. 7 23 Final Reading 43-0-6 620
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 61. By Haberman

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 93
Jan. 23 12 Notice of hearing (1/31) 398
Feb. 1 19 Placed on General File 542
Feb. 9 25 Advanced for Review 674
Feb. 10 26 Placed on Select File - AM5051 685
Feb. 21 31 AM5051 (E & R) adopted. Advanced for Engrossment 808
Feb. 22 32 Correctly Engrossed 829
Mar. 2 38 Final Reading 45-0-4 944
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 62. By Nelson

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on General Affairs 93
Jan. 13 7 Notice of hearing (1/23) 235
Jan. 25 14 Indefinitely postponed 441

LEGISLATIVE BILL 63. By Smith

Jan. 5 2 Read first time 57
Jan. 9 3 Referred to Committee on Revenue 93
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 23 12 Moore name added 403
Jan. 30 17 Indefinitely postponed 497

LEGISLATIVE BILL 64. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 93

Jan. 27 16 Notice of hearing (2/14) 466
Feb. 22 32 Indefinitely postponed 833

LEGISLATIVE BILL 65. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Natural Resources 93
Jan. 19 10 Notice of hearing (1/26) 308

LEGISLATIVE BILL 66. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 93
Feb. 1 19 Notice of hearing (2/10) 535
Feb. 16 30 Placed on General File 779
Mar. 30 56 Advanced for Review 1410
Apr. 3 57 Placed on Select File - AM7013 1442
Apr. 7 61 AM7013 (E & R) adopted. Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed. ER6155 change 1649
Apr. 17 66 Final Reading w/E 39-0-10 1713
Apr. 17 66 Speaker signed 1718
Apr. 17 66 Presented to Governor (4/17) 1720
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 67. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Revenue 93
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 24 13 Indefinitely postponed 414

LEGISLATIVE BILL 68. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Health and Human Services 93
Jan. 11 5 Notice of hearing (1/18) 193
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 69. By Smith

Jan. 5 2 Read first time 58
Jan. 9 3 Referred to Committee on Education 93

Jan. 10 4 Notice of hearing (1/17) 155
Jan. 24 13 Indefinitely postponed 404

LEGISLATIVE BILL 70. By Smith

Jan. 5 2 Read first time 59
Jan. 9 3 Referred to Committee on General Affairs 93
Jan. 13 7 Notice of hearing (1/23) 235
Jan. 25 14 Placed on General File - Com AM0055 441
Jan. 27 16 Korshoj FA10 withdrawn. Committee AM0055 adopted. Robak motion to indefinitely postpone lost. Pending 473
Jan. 27 16 Hall FA11 sustained division of question. Hall FA12 lost. Hall amendment withdrawn. Advanced for Review 480
Jan. 30 17 Placed on Select File - AM5024 483
Jan. 30 17 Pirsch name added 499
Feb. 1 19 AM5024 (E & R) adopted. Advanced for Engrossment 533
Feb. 2 20 Correctly Engrossed 553
Feb. 2 20 ER6110 change 554
Feb. 6 22 Hall FA23 printed 609
Feb. 9 25 Hall pending FA23 p. 609 withdrawn 667
Feb. 9 25 Hall motion to return to Select File for FA27 lost 668
Feb. 9 25 Final Reading 41-0-8 669
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 71. By Smith

Jan. 5 2 Read first time 59
Jan. 9 3 Referred to Committee on Revenue 93
Jan. 11 5 Notice of hearing (1/19) 194
Jan. 24 13 Indefinitely postponed 414

LEGISLATIVE BILL 72. By Smith

Jan. 5 2 Read first time 59
Jan. 9 3 Referred to Committee on Transportation 93
Jan. 27 16 Notice of hearing (2/13) 469
Mar. 16 47 Placed on General File - Com AM0442 1185

LEGISLATIVE BILL 73. By Smith

Jan.	5	2	Read first time	59
Jan.	9	3	Referred to Committee on Judiciary	93
Jan.	27	16	Notice of hearing (2/16)	461
Feb.	21	31	Indefinitely postponed	799

LEGISLATIVE BILL 74. By Warner

Jan.	5	2	Read first time	59
Jan.	9	3	Referred to Committee on Education	93
Jan.	13	7	Notice of hearing (1/23)	217
Jan.	31	18	Placed on General File	520
Feb.	8	24	Advanced for Review	645
Feb.	9	25	Placed on Select File - AM5049	655
Feb.	13	27	AM5049 (E & R) adopted. Advanced for Engrossment	724
Feb.	15	29	Correctly Engrossed	747
Feb.	24	34	Final Reading 43-0-6	863
Feb.	24	34	President signed	870
Feb.	24	34	Presented to Governor (2/24)	875
Mar.	3	39	Approved by Governor (3/1)	959

LEGISLATIVE BILL 75. By Warner

Jan.	5	2	Read first time	60
Jan.	9	3	Referred to Committee on Transportation	93
Jan.	27	16	Notice of hearing (2/7)	469
Feb.	8	24	Placed on General File	646
Mar.	30	56	Advanced for Review	1401
Apr.	3	57	Placed on Select File	1441
May	19	87	Advanced for Engrossment	2571
May	19	87	Correctly Engrossed	2575
May	23	89	Barrett motion to suspend rules prevailed. Final Reading 49-0-0	2684
May	23	89	President signed	2692
May	23	89	Presented to Governor (5/23)	2703
May	31	AJ	Approved by Governor (5/25)	2775

LEGISLATIVE BILL 76. By Warner

Jan.	5	2	Read first time	60
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	93
Feb.	1	19	Notice of hearing (2/16)	535
Feb.	21	31	Placed on General File - Com AM0461	793

LEGISLATIVE BILL 77. By Warner

Jan. 5 2 Read first time 60
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 93
Jan. 23 12 Notice of hearing (1/31) 398
Feb. 9 25 Placed on General File - Com AM0011 679
Mar. 13 44 Warner priority bill 1108
Mar. 21 50 Committee AM0011 adopted. Advanced for Review 1257
Mar. 22 51 Placed on Select File - AM5098 1291
Apr. 3 57 AM5098 (E&R) adopted. Warner-Chambers AM1065 adopted. Advanced for Engrossment 1446
Apr. 6 60 Correctly Engrossed 1539
Apr. 11 63 Final Reading 40-0-9 1630
Apr. 11 63 Speaker signed 1635
Apr. 11 63 Presented to Governor (4/11) 1637
Apr. 17 66 Approved by Governor (4/17) 1736

LEGISLATIVE BILL 78. By Warner

Jan. 5 2 Read first time 60
Jan. 9 3 Referred to Committee on Transportation 93
Jan. 23 12 Notice of hearing (1/30) 397
Mar. 3 39 Placed on General File - Com AM0671 976
Mar. 9 43 Beyer priority bill 1044
Mar. 29 55 Committee AM0671 adopted. Advanced for Review 1390
Mar. 30 56 R. Johnson AM1142 printed 1417
Apr. 3 57 Placed on Select File - AM7010 1437
Apr. 19 68 AM7010 (E & R) adopted. R. Johnson motion to suspend rules to consider amendment prevailed. R. Johnson pending AM1142 p. 1417 adopted. Advanced for Engrossment 1794
Apr. 25 72 Correctly Engrossed. ER6167 change 1899
May 2 75 Final Reading 46-0-3 2019
May 2 75 Speaker signed 2023
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 79. By Korshoj

Jan. 5 2 Read first time 61

Jan.	9	3	Referred to Committee on Transportation	93
Jan.	9	3	Notice of hearing (1/17)	129
Jan.	18	9	Placed on General File - Com AM0007	268
Jan.	19	10	Committee AM0007 adopted. Advanced for Review	312
Jan.	20	11	Placed on Select File	371
Jan.	23	12	Advanced for Engrossment	401
Jan.	24	13	Correctly Engrossed	415
Feb.	7	23	Final Reading 38-0-11	617
Feb.	7	23	President signed	625
Feb.	7	23	Presented to Governor (2/7)	635
Feb.	10	26	Approved by Governor (2/10)	692

LEGISLATIVE BILL 80. By Korshoj

Jan.	5	2	Read first time	61
Jan.	9	3	Referred to Committee on Judiciary	93
Jan.	17	8	Notice of hearing (1/25)	254
Jan.	26	15	Placed on General File	451
Jan.	31	18	Advanced for Review	519
Feb.	1	19	Placed on Select File	528
Feb.	7	23	Advanced for Engrossment	632
Feb.	8	24	Correctly Engrossed	651
Feb.	13	27	Final Reading 33-0-16	707
Feb.	13	27	President signed	718
Feb.	13	27	Abboud explanation of vote	720
Feb.	13	27	Presented to Governor (2/13)	727
Feb.	21	31	Approved by Governor (2/16)	792

LEGISLATIVE BILL 81. By Korshoj

Jan.	5	2	Read first time	61
Jan.	9	3	Referred to Committee on Natural Resources	93
Feb.	14	28	Notice of hearing (3/2)	738
Mar.	15	46	Placed on General File - Com AM0885	1154

LEGISLATIVE BILL 82. By Korshoj

Jan.	5	2	Read first time	61
Jan.	9	3	Referred to Committee on Judiciary	94
Jan.	17	8	Notice of hearing (1/25)	254
Jan.	26	15	Placed on General File	451
Jan.	31	18	Korshoj FA15 adopted. Advanced for Review	520
Feb.	1	19	Placed on Select File	528
Feb.	7	23	Advanced for Engrossment	632

Feb.	8	24	Correctly Engrossed	651
Feb.	13	27	Final Reading w/E 34-0-15	708
Feb.	13	27	President signed	718
Feb.	13	27	Abboud explanation of vote	720
Feb.	13	27	Presented to Governor (2/13)	727
Feb.	21	31	Approved by Governor (2/16)	792

LEGISLATIVE BILL 83. By Elmer, R. Johnson, Weihing

Jan.	5	2	Read first time	61
Jan.	9	3	Referred to Committee on Agriculture	94
Jan.	12	6	Notice of hearing (1/31)	200

LEGISLATIVE BILL 84. By Lamb

Jan.	5	2	Read first time	62
Jan.	5	2	Rogers name added	88
Jan.	9	3	Referred to Committee on Revenue	94
Jan.	9	3	R. Johnson name added	118
Jan.	9	3	Korshoj name added	129
Jan.	20	11	Beck name added	366
Jan.	31	18	Notice of hearing (2/15)	517
Mar.	9	43	Lamb priority bill	1044
Mar.	9	43	Haberman name added	1058
Mar.	13	44	Placed on General File - Com AM0779	1107
Apr.	3	57	Hall, Chizek and Moore names added	1429
Apr.	5	59	Hall-Moore-Chizek AM1213 to committee amendment printed separate	1530
Apr.	7	61	Lamb-Chizek AM1314 printed	1592
Apr.	10	62	Conway name added	1599
Apr.	10	62	Conway AM1340 printed	1622
Apr.	11	63	Committee AM0779 adopted as amended by Hall et al pending AM1213 p. 1530 and Lamb-Chizek FA153. Lynch AM1211 and Conway pending AM1340 p. 1622 withdrawn. Lamb-Chizek pending AM1314 p. 1592 adopted. Advanced for Review	1635
Apr.	11	63	Withem AM1347 to AM1340 printed	1638
Apr.	13	65	Placed on Select File - AM7052 (printed separate)	1704
Apr.	17	66	Lamb AM1386 printed	1732
Apr.	20	69	AM7052 (E & R) adopted. Lamb pending AM1386 p. 1732 adopted. McFarland AM1461 lost. Pending	1813
Apr.	20	69	Landis FA179 ruled not germane.	

			Landis motion to suspend rules and permit consideration of FA179 pending	1821
Apr.	21	70	Landis pending motion p. 1821 withdrawn	1845
Apr.	21	70	Chizek motion to indefinitely postpone laid over	1847
Apr.	25	72	Chizek pending motion p. 1847 withdrawn. Withem pending AM1347 p. 1638 withdrawn. Lamb-Hall-Chizek-Moore AM1503 to AM7052 adopted. Haberman motion to reconsider AM1503 withdrawn. Pending	1909
Apr.	25	72	Bernard-Stevens FA189 withdrawn. Haberman FA190 to FA189 ruled out of order. Challenge of Chair prevailed. Haberman pending FA190 withdrawn. Pending	1912
Apr.	25	72	Haberman motion to reconsider AM1503 p. 1909 lost. Advanced for Engrossment	1927
Apr.	25	72	Conway AM1557 to AM7052 printed	1929
Apr.	26	73	Haberman-Conway AM1570 printed	1935
Apr.	27	74	Correctly Engrossed	1978
May	2	75	Attorney General's Opinion #89042 to McFarland	1991
May	3	76	Conway AM1655 printed	2067
May	4	77	Barrett at request of Governor name added	2094
May	4	77	Lamb-Byars-Barrett-Chizek-Moore-Landis-Hall AM1672 printed separate	2097
May	5	78	Lamb-Barrett-Hall-Moore-Byars-Landis-Chizek AM1711 printed separate	2117
May	5	78	Haberman motion to bracket until 5/10/89 withdrawn. Conway motions to return to Select File for AM1557 p. 1929 and AM1570 p. 1935 withdrawn. Conway pending AM1655 p. 2067 and Lamb et al AM1672 p. 2097 withdrawn. Returned to Select File for Lamb et al pending AM1711 p. 2117. McFarland motion to bracket until 5/8/89 lost	2122
May	5	78	Lamb et al pending AM1711 p. 2117 adopted. Advanced for Re-Engrossment	2131
May	5	78	Chambers motions to return to Select File for FA221 and FA222 lost. Wesely motion to return to Select File for AM1708 lost	2132
May	5	78	Wesely motion to return to Select File for AM1706 lost	2138

May 5 78 Wesely motion to return to Select File for AM1707 (on file) lost. Conway motion to return to Select File for FA223 lost. Warner motion to return to Select File for FA224 withdrawn 2140
May 9 80 Correctly Re-Engrossed. ER6180 change 2222
May 10 81 Attorney General's Opinion #89047 to Haberman 2259
May 10 81 Warner AM1763 printed 2262
May 15 83 Abboud name added 2337
May 16 84 Schmit AM1854 printed 2417
May 16 84 Nelson AM1872 printed 2419
May 17 85 Warner motion to return to Select File for AM1763 p. 2262 lost. Schmit motion to return to Select File for AM1854 p. 2417 withdrawn. Nelson motion to return to Select File for AM1872 p. 2419 lost 2491
May 17 85 Hall-Chizek motion to suspend rules and permit Final Reading prevailed 2492
May 17 85 Chambers motion to reconsider action to suspend rules lost. Withem motion to return to Select File for FA283 withdrawn. Warner motion to bracket lost. Pending 2493
May 17 85 Hannibal motion to bracket until 5/19 ruled in order and lost. Lamb motion to suspend rules and vote without amendment or motion prevailed. Final Reading w/E 39-8-2 2497
May 17 85 Speaker signed 2500
May 18 86 Presented to Governor (5/18) 2501
May 18 86 Warner explanation of vote 2520
May 22 88 Approved by Governor (5/22) 2659

LEGISLATIVE BILL 84A. By Lamb

Mar. 27 53 Read first time. Placed on General File 1361
Apr. 7 61 Lamb-Chizek AM1284 printed 1593
Apr. 11 63 Lamb-Chizek pending AM1284 p. 1593 adopted. Advanced for Review 1637
Apr. 13 65 Placed on Select File 1704
Apr. 17 66 Lamb AM1392 printed 1732
Apr. 20 69 Lamb AM1435 printed 1821
Apr. 25 72 Lamb pending AM1392 p. 1732 and AM1435

p. 1821 withdrawn. Lamb AM1563 to AM1435 adopted. Advanced for Engrossment 1928
Apr. 27 74 Correctly Engrossed. ER6177 change 1978
May 4 77 Lamb AM1701 printed 2107
May 5 78 Returned to Select File for Lamb amendment. Lamb pending AM1701 p. 2107 adopted. Advanced for Re-Engrossment 2142
May 9 80 Correctly Re-Engrossed 2222
May 17 85 Hall-Chizek motion to suspend rules and permit Final Reading prevailed 2492
May 17 85 Hall motion to suspend rules and vote without amendment or motion prevailed. Final Reading w/E 40-3-6 2499
May 17 85 Speaker signed 2500
May 18 86 Presented to Governor (5/18) 2501
May 22 88 Approved by Governor (5/22) 2659

LEGISLATIVE BILL 85. By Pirsch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Judiciary 94
Jan. 23 12 Notice of hearing (2/3) 390
Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 86. By Pirsch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Judiciary 94
Jan. 23 12 Notice of hearing (2/3) 390

LEGISLATIVE BILL 87. By Pirsch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Judiciary 94
Jan. 23 12 Notice of hearing (2/3) 390
Feb. 21 31 Placed on General File 799
Mar. 6 40 Pirsch AM0665 printed 999
Mar. 30 56 Advanced for Review 1410
Apr. 3 57 Placed on Select File - AM7019 1442

LEGISLATIVE BILL 88. By Lynch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Revenue 94
Jan. 11 5 Notice of hearing (1/18) 194

Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 89. By Lynch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Education 94
Jan. 25 14 Crosby name added 447
Jan. 26 15 Ashford and McFarland names added 455
Jan. 27 16 Notice of hearing (2/7) 477
Feb. 1 19 Notice of hearing (location change) 534
Feb. 8 24 Chizek name added 653
Mar. 1 37 Placed on General File - Com AM0629 921
Mar. 3 39 Lynch priority bill 970
Mar. 15 46 Hefner-Smith AM0894 printed 1171
Mar. 16 47 Committee AM0629 adopted. Lynch AM0942 adopted. Hefner-Smith pending AM0894 p. 1171 ruled not germane. Challenge of Chair withdrawn. Hefner motion to suspend rules lost. Elmer FA69 ruled not germane. Moore FA70 sustained division of question - FA71 (1) adopted. Pending 1176
Mar. 16 47 Moore FA72 (2) adopted. Schmit FA73 pending. Withem FA74 to pending FA73 adopted 1192
Mar. 17 48 Warner FA75 to pending Schmit FA73 adopted. Hall FA76 withdrawn. Chambers FA77 lost 1210
Mar. 20 49 Chambers FA78 printed 1216
Mar. 21 50 Chambers AM0976 to FA73 printed 1269
Mar. 22 51 Schmit FA90 to pending Schmit FA73 adopted. Chambers pending AM0976 p. 1269 lost. Withem FA91 withdrawn. McFarland request for ruling - Schmit pending FA73 p. 1192 ruled germane. Challenge of Chair lost. Withem FA92 to pending FA73 lost. Warner motion to reconsider Withem FA92 withdrawn. Schmit pending FA73 p. 1192 lost as amended. Pending 1281
Mar. 22 51 Chambers FA93 ruled germane and lost. Moore AM1029 withdrawn. Moore FA94 and Ashford FA95 lost. Chambers pending FA78 p. 1216 withdrawn. Advanced for Review 1295
Mar. 27 53 Placed on Select File - AM7000 1332

Apr.	3	57	AM7000 (E & R) adopted. Withem motion to indefinitely postpone laid over	1446
Apr.	3	57	Lynch AM1161 to AM7000 printed	1448
Apr.	3	57	Moore AM1130 printed	1449
Apr.	17	66	Lynch AM1377 printed	1732
Apr.	17	66	Coordsen FA166 printed	1733
Apr.	18	67	Withem pending motion p. 1446 withdrawn. Lynch pending AM1161 p. 1448 adopted. Moore pending AM1130 p. 1449 withdrawn. Conway AM1436 ruled not germane. Challenge of Chair withdrawn. Lynch pending AM1377 p. 1732 adopted	1761
Apr.	18	67	Conway AM1434 printed	1764
Apr.	19	68	Moore reoffered AM1130 p. 1449 withdrawn. Conway request to substitute pending AM1434 p. 1764 prevailed. Conway substitute AM1445 to AM7000 adopted. Lamb FA171 lost. Pending	1775
Apr.	19	68	Coordsen pending FA166 p. 1733, Conway pending AM1434 p. 1764 and Goodrich FA172 withdrawn. Lamb AM1449 lost	1779
Apr.	19	68	Smith FA173 pending	1781
Apr.	19	68	Smith pending FA173 p. 1781 and Haberman FA174 lost. Advanced for Engrossment	1782
Apr.	21	70	Correctly Engrossed	1854
Apr.	21	70	ER6163 change	1855
Apr.	24	71	Smith AM1454 printed	1875
Apr.	25	72	McFarland AM1535 printed	1901
May	2	75	Smith AM1649 printed	2038
May	10	81	Moore AM1775 printed	2269
May	15	83	Nelson-Smith-Schellpeper AM1832 printed	2359
May	18	86	Smith motion to return to Select File lost. Smith request to substitute AM1649 p. 2038 prevailed. Smith pending AM1943 p. 1875 withdrawn	2542
May	18	86	McFarland pending AM1535 p. 1901 withdrawn	2543
May	18	86	Returned to Select File for Moore amendment. Moore pending AM1775 p. 2269 adopted. Advanced for Re-Engrossment	2544
May	18	86	Nelson motion to return to Select File for pending AM1832 p. 2359 lost. Moore motion to return to Select File for FA289 withdrawn	2545
May	18	86	Expedited	2546

May 19 87 Correctly Re-Engrossed 2552
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading 37-12-0 2685
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 89A. By Lynch

Mar. 8 42 Read first time. Placed on General File 1027
Mar. 15 46 Lynch AM0902 printed 1160
Mar. 22 51 Lynch pending AM0902 p. 1160 adopted. Advanced for Review 1298
Mar. 27 53 Placed on Select File - AM7001 1336
Mar. 29 55 Lynch AM1124 printed 1390
Apr. 17 66 Lynch AM1353 printed 1732
Apr. 19 68 AM7001 (E & R) adopted. Lynch pending AM1124 p. 1390, Smith AM1158 and Lynch FA175 adopted. Lynch pending AM1353 p. 1732 withdrawn. Advanced for Engrossment 1785
Apr. 21 70 Correctly Engrossed 1854
Apr. 21 70 ER6164 change 1855
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading 41-2-6 2686
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 90. By Lynch

Jan. 5 2 Read first time 62
Jan. 9 3 Referred to Committee on Natural Resources 94
Jan. 9 3 Hartnett name added 118
Jan. 19 10 Notice of hearing (1/26) 308
Jan. 30 17 Indefinitely postponed 491
Feb. 1 19 Lynch motion to place on General File laid over 543

LEGISLATIVE BILL 91. By Lynch

Jan. 5 2 Read first time 63
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 94
Jan. 11 5 Notice of hearing (1/18) 194

Mar. 3 39 Indefinitely postponed 961

LEGISLATIVE BILL 92. By Landis

Jan. 5 2 Read first time 63
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 94
Jan. 13 7 Notice of hearing (1/23) 216
Jan. 26 15 Placed on General File - Com AM0054 ..... 452 (printed separate)
Feb. 1 19 Landis AM0140 printed 549
Feb. 3 21 Committee AM0054 adopted. Landis pending AM0140 p. 549 adopted. Advanced for Review 581
Feb. 8 24 Placed on Select File - AM5044 647
Feb. 13 27 AM5044 (E & R) adopted. Advanced for Engrossment 720
Feb. 15 29 Correctly Engrossed. ER6115 change 759
Mar. 3 39 Final Reading 38-0-11 963
Mar. 3 39 Speaker signed 968
Mar. 3 39 Presented to Governor (3/3) 972
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 92A. By Landis

Feb. 3 21 Read first time. Placed on General File 597
Feb. 7 23 Advanced for Review 626
Feb. 8 24 Placed on Select File 651
Feb. 13 27 Advanced for Engrossment 720
Feb. 15 29 Correctly Engrossed 759
Mar. 3 39 Final Reading 36-0-13 966
Mar. 3 39 Speaker signed 968
Mar. 3 39 Presented to Governor (3/3) 972
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 93. By Landis

Jan. 5 2 Read first time 66
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 94
Jan. 27 16 Notice of hearing (3/13) 467

LEGISLATIVE BILL 94. By Landis

Jan.	5	2	Read first time	66
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	94
Jan.	9	3	Notice of hearing (1/17)	130
Jan.	19	10	Placed on General File - Com AM0009	320
Jan.	23	12	Landis AM0018 to committee amendment printed	402
Jan.	24	13	Committee AM0009 adopted as amended by Landis pending AM0018 p. 402. Advanced for Review	413
Jan.	25	14	Placed on Select File - AM5016	423
Jan.	27	16	AM5016 (E & R) adopted. Advanced for Engrossment	465
Jan.	30	17	Correctly Engrossed	486
Feb.	9	25	Final Reading 42-0-7	658
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682
Feb.	15	29	Approved by Governor (2/14)	748

LEGISLATIVE BILL 95. By Landis

Jan.	5	2	Read first time	66
Jan.	9	3	Referred to Committee on Urban Affairs	94
Jan.	10	4	Notice of hearing (1/17)	156
Feb.	15	29	Placed on General File - Com AM0370	761
Mar.	13	44	Urban Affairs Committee priority bill	1082
Apr.	3	57	Committee AM0370 adopted. Advanced for Review	1447
Apr.	5	59	Landis AM1216 to committee amendment printed	1530
Apr.	7	61	Placed on Select File - AM7042	1581
May	11	82	AM7042 (E & R) adopted. Landis pending AM1216 p. 1530 adopted. Advanced for Engrossment	2309
May	15	83	Correctly Engrossed. ER6193 change	2365
May	18	86	Final Reading 42-0-7	2502
May	18	86	President signed	2521
May	18	86	Presented to Governor (5/18)	2522
May	24	90	Approved by Governor (5/22)	2720

LEGISLATIVE BILL 96. By Landis

Jan.	5	2	Read first time	66
Jan.	9	3	Referred to Committee on Appropriations	94
Feb.	2	20	Notice of hearing (2/10)	565

LEGISLATIVE BILL 97. By Landis

Jan.	5	2	Read first time	66
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	94
Jan.	9	3	Notice of hearing (1/17)	130
Jan.	19	10	Placed on General File	296
Jan.	24	13	Advanced for Review	413
Jan.	25	14	Placed on Select File - AM5014	422
Jan.	27	16	AM5014 (E & R) adopted. Advanced for Engrossment	465
Jan.	30	17	Correctly Engrossed	484
Feb.	9	25	Final Reading 44-0-5	659
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682
Feb.	15	29	Approved by Governor (2/14)	748

LEGISLATIVE BILL 98. By Landis

Jan.	5	2	Read first time	67
Jan.	9	3	Referred to Committee on Appropriations	94
Feb.	2	20	Notice of hearing (2/10)	565

LEGISLATIVE BILL 99. By Landis

Jan.	5	2	Read first time	67
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	94
Jan.	27	16	Notice of hearing (2/27)	467
Feb.	28	36	Placed on General File	907
Mar.	30	56	Advanced for Review	1412
Apr.	6	60	Placed on Select File - AM7037	1533
Apr.	7	61	AM7037 (E & R) adopted. Advanced for Engrossment	1575
Apr.	12	64	Correctly Engrossed. ER6161 change	1671
Apr.	18	67	Final Reading 45-0-4	1746
Apr.	18	67	Speaker signed	1747
Apr.	18	67	Presented to Governor (4/18)	1750
Apr.	20	69	Approved by Governor (4/20)	1810

LEGISLATIVE BILL 100. By Landis

Jan.	5	2	Read first time	67
Jan.	9	3	Referred to Committee on Banking,	

Commerce and Insurance 94
Jan. 27 16 Notice of hearing (2/27) 467

LEGISLATIVE BILL 101. By Moore, L. Johnson, Lamb

Jan. 5 2 Read first time 67
Jan. 9 3 Referred to Committee on Transportation 94
Jan. 13 7 Notice of hearing (1/24) 219
Feb. 14 28 Placed on General File - Com AM0273 737

LEGISLATIVE BILL 102. By Moore

Jan. 5 2 Read first time 68
Jan. 9 3 Beck name added 119
Jan. 9 3 Referred to Committee on Judiciary 122
Jan. 13 7 Crosby name added 218
Jan. 30 17 Notice of hearing (3/16) 485

LEGISLATIVE BILL 103. By Moore

Jan. 5 2 Read first time 68
Jan. 9 3 Referred to Committee on Revenue 122
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 24 13 Indefinitely postponed 414

LEGISLATIVE BILL 104. By Moore

Jan. 5 2 Read first time 68
Jan. 9 3 Referred to Committee on Revenue 122
Jan. 11 5 Notice of hearing (1/19) 194
Jan. 30 17 Indefinitely postponed 497

LEGISLATIVE BILL 105. By Moore

Jan. 5 2 Read first time 68
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 122
Jan. 27 16 Notice of hearing (2/14) 466
Mar. 15 46 Indefinitely postponed 1166

LEGISLATIVE BILL 106. By Moore

Jan. 5 2 Read first time 68
Jan. 9 3 Referred to Committee on Urban Affairs 122
Jan. 17 8 Notice of hearing (1/24) 255

Jan. 26 15 Placed on General File 455
Jan. 31 18 Advanced for Review 520
Feb. 1 19 Placed on Select File - AM5030 528
Feb. 7 23 AM5030 (E & R) adopted.
Advanced for Engrossment 632
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 34-0-15 709
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 107. By Hefner

Jan. 5 2 Read first time 68
Jan. 9 3 Referred to Committee on Education 122
Jan. 10 4 Notice of hearing (1/17) 155
Mar. 14 45 Placed on General File 1111

LEGISLATIVE BILL 108. By Hefner

Jan. 5 2 Read first time 69
Jan. 9 3 Referred to Committee on Judiciary 122
Jan. 30 17 Notice of hearing (3/16) 485
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 109. By Pirsch

Jan. 5 2 Read first time 69
Jan. 9 3 Referred to Committee on Judiciary 122
Jan. 23 12 Notice of hearing (2/10) 390

LEGISLATIVE BILL 110. By Pirsch

Jan. 5 2 Read first time 69
Jan. 9 3 Referred to Committee on Judiciary 122
Jan. 23 12 Notice of hearing (2/3) 390
Feb. 10 26 Indefinitely postponed 690

LEGISLATIVE BILL 111. By Pirsch

Jan. 5 2 Read first time 69
Jan. 9 3 Referred to Committee on Judiciary 122
Jan. 12 6 Byars name added 212
Jan. 24 13 Peterson name added 420

Jan. 30 17 Notice of hearing (3/3) 485

LEGISLATIVE BILL 112. By Smith, Ashford

Jan. 5 2 Read first time 69
Jan. 9 3 Smith motion to withdraw bill laid over 109
Jan. 9 3 Referred to Committee on Transportation 122
Jan. 11 5 Smith pending motion p. 109 prevailed. Withdrawn 175

LEGISLATIVE BILL 113. By Schellpeper

Jan. 5 2 Read first time 70
Jan. 9 3 Referred to Committee on Natural Resources 122
Jan. 13 7 Notice of hearing (1/25) 216
Jan. 26 15 Placed on General File 449
Jan. 31 18 Advanced for Review 519
Feb. 1 19 Placed on Select File 527
Feb. 7 23 Advanced for Engrossment 631
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 36-0-13 709
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 114. By Schellpeper, Elmer

Jan. 5 2 Read first time 70
Jan. 9 3 Referred to Committee on Transportation 122
Jan. 13 7 Notice of hearing (1/24) 219
Jan. 25 14 Placed on General File - Com AM0071 446
Jan. 31 18 Committee AM0071 adopted. Advanced for Review 519
Feb. 1 19 Placed on Select File 527
Feb. 1 19 Schellpeper AM0159 printed 543
Feb. 10 26 Schellpeper pending AM0159 p. 543 adopted. Advanced for Engrossment 696
Feb. 14 28 Correctly Engrossed 730
Feb. 23 33 Final Reading w/E 42-0-7 845
Feb. 23 33 Speaker signed 847
Feb. 23 33 Presented to Governor (2/23) 857
Feb. 27 35 Approved by Governor (2/24) 880

LEGISLATIVE BILL 115. By Schellpeper

Jan.	5	2	Read first time	70
Jan.	9	3	Referred to Committee on Transportation	122
Jan.	13	7	Notice of hearing (1/23)	219
Jan.	25	14	Placed on General File	439
Jan.	26	15	Advanced for Review	451
Jan.	27	16	Placed on Select File	459
Feb.	1	19	Advanced for Engrossment	531
Feb.	2	20	Correctly Engrossed	553
Feb.	9	25	Final Reading 45-0-4	669
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682
Feb.	15	29	Approved by Governor (2/14)	748

LEGISLATIVE BILL 116. By Lindsay

Jan.	5	2	Read first time	70
Jan.	9	3	Referred to Committee on Judiciary	122
Jan.	18	9	Notice of hearing (1/27)	257
Jan.	30	17	Placed on General File	497
Feb.	1	19	Abboud name added	549
Feb.	3	21	Chambers FA20 lost. Pending	591
Feb.	3	21	Advanced for Review	592
Feb.	8	24	Placed on Select File	650
Feb.	9	25	Chambers FA28 printed	673
Feb.	13	27	Chambers pending FA28 p. 673 withdrawn. Chambers motion to indefinitely postpone lost. Advanced for Engrossment	722
Feb.	15	29	Correctly Engrossed	747
Feb.	24	34	Final Reading 36-7-6	864
Feb.	24	34	President signed	870
Feb.	24	34	Presented to Governor (2/24)	875
Mar.	3	39	Approved by Governor (3/1)	959

LEGISLATIVE BILL 117. By R. Johnson, Scofield, Dierks, Moore, Elmer

Jan.	5	2	Read first time	70
Jan.	9	3	Referred to Committee on Agriculture	122
Jan.	12	6	Notice of hearing (1/31)	200

LEGISLATIVE BILL 118. By R. Johnson

Jan.	5	2	Read first time	70
Jan.	9	3	Referred to Committee on Appropriations	122

Feb. 2 20 Notice of hearing (2/16) 565

LEGISLATIVE BILL 119. By R. Johnson

Jan. 5 2 Read first time 70
Jan. 9 3 Referred to Committee on Natural Resources 122
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 2 20 Indefinitely postponed 554

LEGISLATIVE BILL 120. By R. Johnson

Jan. 5 2 Read first time 71
Jan. 9 3 Referred to Committee on Agriculture 122
Jan. 12 6 Notice of hearing (1/24) 199
Feb. 9 25 Placed on General File - Com AM0288 679

LEGISLATIVE BILL 121. By R. Johnson

Jan. 5 2 Read first time 71
Jan. 9 3 Ashford name added 94
Jan. 9 3 Referred to Committee on Natural Resources 123
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 2 20 Smith name added 571

LEGISLATIVE BILL 122. By R. Johnson

Jan. 5 2 Read first time 71
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 13 7 Notice of hearing (1/24) 219
Jan. 25 14 Indefinitely postponed 446

LEGISLATIVE BILL 123. By Peterson

Jan. 5 2 Read first time 71
Jan. 9 3 Referred to Committee on Urban Affairs 123
Jan. 10 4 Notice of hearing (1/17) 156
Jan. 18 9 Placed on General File 269
Jan. 19 10 Advanced for Review 317
Jan. 20 11 Placed on Select File 372
Jan. 23 12 Peterson AM0038 adopted.
Advanced for Engrossment 401
Jan. 24 13 Correctly Engrossed 415
Feb. 7 23 Final Reading w/E 40-0-9 618
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635

Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 124. By Peterson

Jan. 5 2 Read first time 71
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 125. By Goodrich, Labedz, Lynch, Lindsay, Pirsch, Beck

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Urban Affairs 123
Jan. 27 16 Notice of hearing (2/7) 468
Feb. 9 25 Indefinitely postponed 675

LEGISLATIVE BILL 126. By Goodrich

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 123
Jan. 9 3 Notice of hearing (1/17) 130
Jan. 19 10 Placed on General File 296
Jan. 20 11 Advanced for Review 367
Jan. 23 12 Placed on Select File 398
Jan. 27 16 Advanced for Engrossment 462
Jan. 30 17 Correctly Engrossed 484
Feb. 9 25 Final Reading w/E 44-0-5 660
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 127. By Hefner, Dierks, Rogers

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Natural Resources 123
Jan. 20 11 Notice of hearing (1/27) 370
Jan. 30 17 Placed on General File 491
Jan. 31 18 Hefner AM0144 printed 525
Feb. 2 20 Hefner pending AM0144 p. 525 adopted. Advanced for Review 561
Feb. 3 21 Placed on Select File 578
Feb. 9 25 Advanced for Engrossment 677

Feb. 10 26 Correctly Engrossed 700
Feb. 16 30 Final Reading w/E 36-1-12 770
Feb. 16 30 Speaker signed 777
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 128. By Elmer, Lamb

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 13 7 Notice of hearing (1/23) 219
Jan. 25 14 Indefinitely postponed 441

LEGISLATIVE BILL 129. By Hall

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 27 16 Notice of hearing (2/21) 469
Feb. 23 33 Placed on General File 855

LEGISLATIVE BILL 129A. By Hall

Mar. 3 39 Read first time. Placed on General File 983

LEGISLATIVE BILL 130. By Hall

Jan. 5 2 Read first time 72
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 27 16 Notice of hearing (2/21) 469

LEGISLATIVE BILL 131. By Peterson

Jan. 5 2 Read first time 73
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 27 16 Notice of hearing (2/7) 469
Mar. 3 39 Placed on General File - Com AM0582 979

LEGISLATIVE BILL 132. By Wehrbein

Jan. 5 2 Read first time 73
Jan. 9 3 Referred to Committee on Natural Resources 123
Jan. 26 15 Notice of hearing (2/2) 450
Feb. 6 22 Placed on General File 603
Mar. 8 42 Advanced for Review 1025
Mar. 9 43 Placed on Select File - AM5084 1035

Mar. 22 51 AM5084 (E & R) adopted.
Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
May 4 77 Schmit AM1168 printed separate 2104
May 18 86 Schmit pending AM1168 p. 2104 withdrawn 2550
May 19 87 Final Reading 47-0-2 2606
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 133. By Wehrbein

Jan. 5 2 Read first time 73
Jan. 9 3 Referred to Committee on Revenue 123
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 24 13 Placed on General File 414
Jan. 25 14 Advanced for Review 444
Jan. 26 15 Placed on Select File 449
Jan. 27 16 Advanced for Engrossment 466
Jan. 30 17 Correctly Engrossed 486
Feb. 9 25 Final Reading 45-0-4 660
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 134. By Scofield, McFarland, Baack, Bernard-Stevens, Withem, Nelson

Jan. 5 2 Read first time 73
Jan. 9 3 Referred to Committee on Education 123
Jan. 13 7 Notice of hearing (1/23) 217
Jan. 24 13 Placed on General File 404
Jan. 25 14 Advanced for Review 439
Jan. 26 15 Placed on Select File - AM5017 448
Jan. 27 16 AM5017 (E & R) adopted.
Advanced for Engrossment 466
Jan. 30 17 Correctly Engrossed. ER6106 change 486
May 17 85 Final Reading w/E 41-2-6 2462
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 135. By Elmer, Rogers

Jan. 5 2 Read first time 73

Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	123
Feb.	1	19	Notice of hearing (3/2)	536
Mar.	7	41	Placed on General File	1009
Mar.	30	56	Advanced for Review	1413
Apr.	6	60	Placed on Select File	1536
Apr.	7	61	Advanced for Engrossment	1575
Apr.	12	64	Correctly Engrossed	1671
Apr.	12	64	ER6159 change	1672
Apr.	19	68	Final Reading 37-3-9	1770
Apr.	19	68	Speaker signed	1775
Apr.	19	68	Presented to Governor (4/19)	1778
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 136. By Schimek

Jan.	5	2	Read first time	74
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	123
Feb.	1	19	Notice of hearing (2/24)	535
Mar.	7	41	Indefinitely postponed	1009

LEGISLATIVE BILL 137. By Chizek

Jan.	5	2	Read first time	74
Jan.	9	3	Referred to Committee on Nebraska Retirement Systems	123
Feb.	14	28	Notice of hearing (2/22)	744
Mar.	9	43	Nebraska Retirement Systems Committee priority bill	1044
Mar.	13	44	Placed on General File - Com AM0812	1076
Apr.	4	58	Haberman AM1049 to committee amendment printed	1484
Apr.	4	58	Bernard-Stevens name added	1490
May	4	77	Chizek-Morrissey-Schmit-Conway-Hartnett-Korshoj-Hall-Rogers-Bernard-Stevens-Lindsay-Byars-Weihing-Ashford-Dierks-Peterson-R. Johnson-Beyer-Baack-McFarland-Lynch-Kristensen-Smith-Robak-Labedz-Schimek AM1154 to committee amendment printed separate	2109
May	11	82	Committee AM0812 adopted as amended by Haberman pending AM1049 p. 1484. Chizek et al pending AM1154 p. 2109	

withdrawn. Advanced for Review 2304
May 11 82 Haberman name added 2317
May 15 83 Placed on Select File 2337
May 15 83 Attorney General's Opinion #89048 to Haberman 2358
May 18 86 Advanced for Engrossment 2528
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed. Final Reading w/E 46-0-3 2664
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 137A. By Warner

May 11 82 Read first time. Placed on General File 2314
May 17 85 Advanced for Review 2476
May 17 85 Placed on Select File 2482
May 18 86 Advanced for Engrossment 2528
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading w/E 46-0-3 2665
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 138. By Chizek

Jan. 5 2 Read first time 74
Jan. 9 3 Referred to Committee on Judiciary 123
Jan. 17 8 Notice of hearing (1/25) 254
Jan. 27 16 Placed on General File - Com AM0094 460
Jan. 31 18 Committee AM0094 adopted. Chambers motion to indefinitely postpone laid over 521

LEGISLATIVE BILL 139. By Chizek

Jan. 5 2 Read first time 74
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 123
Feb. 1 19 Notice of hearing (3/15) 536
Mar. 22 51 Placed on General File - AM0997 1288

LEGISLATIVE BILL 140. By Chizek

Jan. 5 2 Read first time 74

Jan. 9 3 Conway name added 119
Jan. 9 3 Referred to Committee on Education 123
Jan. 17 8 Notice of hearing (1/24) 253
Feb. 1 19 Placed on General File - Com AM0168 550
Feb. 8 24 Ashford name added 653
Feb. 9 25 Committee AM0168 adopted.
Advanced for Review 676
Feb. 10 26 Placed on Select File - AM5056 693
Feb. 16 30 Chizek AM0359 printed 790
Mar. 2 38 AM5056 (E & R) adopted. Chizek pending
AM0359 p. 790 adopted. Moore motion
to indefinitely postpone laid over 951
Mar. 9 43 Chizek AM0755 printed 1050
Mar. 13 44 Moore pending motion p. 951 withdrawn.
Chizek pending AM0755 p. 1050
adopted. Wehrbein-Schmit FA63 ruled
not germane. Challenge of Chair lost.
Failed to advance for Engrossment 1090

LEGISLATIVE BILL 140A. By Chizek

Feb. 15 29 Read first time. Placed on General File 763

LEGISLATIVE BILL 141. By Abboud

Jan. 5 2 Read first time 74
Jan. 9 3 Beck name added 119
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 27 16 Notice of hearing (2/14) 469
Mar. 8 42 Placed on General File - Com AM0706 1028
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 142. By Baack, Conway

Jan. 5 2 Read first time 75
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 9 3 Notice of hearing (1/17) 129
Jan. 25 14 Placed on General File - Com AM0051 439
Jan. 26 15 Committee AM0051 adopted.
Advanced for Review 452
Jan. 27 16 Placed on Select File - AM5022 459
Feb. 1 19 AM5022 (E & R) adopted. Chambers
motion to indefinitely postpone
lost. Advanced for Engrossment 532

Feb. 2 20 Correctly Engrossed 553
Feb. 9 25 Final Reading 37-7-5 670
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 143. By Baack

Jan. 5 2 Read first time 75
Jan. 9 3 Referred to Committee on Education 123
Jan. 27 16 Notice of hearing (2/14) 477
Mar. 1 37 Placed on General File 918
Mar. 30 56 Advanced for Review 1412
Apr. 6 60 Placed on Select File 1535

LEGISLATIVE BILL 144. By Baack

Jan. 5 2 Read first time 75
Jan. 9 3 Referred to Committee on Education 123
Jan. 27 16 Notice of hearing (2/13) 477
Mar. 1 37 Indefinitely postponed 918

LEGISLATIVE BILL 145. By Baack

Jan. 5 2 Read first time 75
Jan. 9 3 Referred to Committee on Nebraska Retirement Systems 123
Jan. 18 9 Notice of hearing (1/25) 257
Feb. 7 23 Placed on General File - Com AM0075 635
Mar. 8 42 Committee AM0075 adopted. Advanced for Review 1030
Mar. 13 44 Placed on Select File 1064
Mar. 22 51 Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
Apr. 5 59 Final Reading 33-0-16 1512
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 146. By Baack

Jan. 5 2 Read first time 75
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 23 12 Notice of hearing (1/31) 397
Mar. 13 44 Indefinitely postponed 1080

LEGISLATIVE BILL 147. By Chizek

Jan.	5	2	Read first time	75
Jan.	9	3	Referred to Committee on Judiciary	123
Jan.	19	10	Notice of hearing (2/2)	321
Feb.	6	22	Placed on General File	603
Mar.	6	40	Advanced for Review	987
Mar.	7	41	Placed on Select File	1002
Mar.	27	53	Ashford AM0891 ruled not germane. Ashford motion to suspend rules and consider AM0891 prevailed. Ashford AM0891 adopted. Advanced for Engrossment	1351
Apr.	3	57	Correctly Engrossed. ER6145 change	1457
May	23	89	Final Reading 46-1-2	2681
May	23	89	President signed	2692
May	23	89	Presented to Governor (5/23)	2703
May	31	AJ	Returned by Governor without approval (5/26)	2794

LEGISLATIVE BILL 147A. By Chizek

Feb.	14	28	Read first time. Placed on General File	743
Mar.	6	40	Advanced for Review	987
Mar.	7	41	Placed on Select File	1002
Mar.	27	53	Bracketed until 4/17/89	1358
May	23	89	Unbracketed. Schmit motion to indefinitely postpone prevailed	2681

LEGISLATIVE BILL 148. By Chizek, Hall, Lindsay

Jan.	5	2	Read first time	76
Jan.	9	3	Referred to Committee on Nebraska Retirement Systems	123
Jan.	24	13	Notice of hearing (1/31)	415
Feb.	14	28	Indefinitely postponed	731

LEGISLATIVE BILL 149. By Ashford, Hefner, McFarland

Jan.	5	2	Read first time	76
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	123
Jan.	13	7	Schimek name added	239
Feb.	1	19	Notice of hearing (2/8)	535
Feb.	15	29	Indefinitely postponed	748

LEGISLATIVE BILL 150. By Wesely, L. Johnson, Hefner, Lynch, Labedz, Hannibal, Elmer, Rogers, Ashford, Hall, Chambers, Conway

Jan.	5	2	Read first time	76
Jan.	9	3	Referred to Committee on Urban Affairs	123
Jan.	24	13	Notice of hearing (1/31)	415
Feb.	15	29	Indefinitely postponed	763

LEGISLATIVE BILL 151. By Chambers, Baack, Ashford, Landis, Chizek, Conway, Hartnett, Lynch, Withem

Jan.	5	2	Read first time	76
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	123
Jan.	18	9	Notice of hearing (1/25)	257
Jan.	24	13	Ashford name withdrawn	420

LEGISLATIVE BILL 152. By Baack, Weihing

Jan.	5	2	Read first time	77
Jan.	9	3	Referred to Committee on Transportation	123
Jan.	27	16	Notice of hearing (2/7)	469
Mar.	16	47	Indefinitely postponed	1187

LEGISLATIVE BILL 153. By Baack, Scofield, Weihing

Jan.	5	2	Read first time	77
Jan.	9	3	Referred to Committee on General Affairs	123
Jan.	23	12	Notice of hearing (1/30)	398
Feb.	3	21	Indefinitely postponed	590

LEGISLATIVE BILL 154. By Pirsch

Jan.	5	2	Read first time	77
Jan.	9	3	Referred to Committee on General Affairs	123
Jan.	23	12	Notice of hearing (1/30)	398
Feb.	3	21	Placed on General File - Com AM0173	589
Feb.	16	30	Committee AM0173 adopted. Advanced for Review	786
Feb.	21	31	Placed on Select File - AM5065	796
Mar.	3	39	AM5065 (E & R) adopted. Hall AM0548 (on file) adopted as amended by Smith FA49 and FA51. Warner FA50 lost. Advanced for Engrossment	968

Mar. 7 41 Correctly Engrossed 1002
Mar. 7 41 ER0129 change 1003
Mar. 13 44 Smith AM0852 printed 1100
Mar. 17 48 Returned to Select File for Smith amendment. Smith pending AM0852 p. 1100 adopted. Advanced for Re-Engrossment 1204
Mar. 20 49 Correctly Re-Engrossed. ER6139 change 1228
Mar. 23 52 Final Reading 43-0-6 1309
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 155. By Rogers, Pirsch

Jan. 5 2 Read first time 77
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 23 12 Notice of hearing (1/31) 397
Feb. 6 22 Placed on General File - Com AM0176 608
Feb. 9 25 Wehrbein AM0281 to committee amendment printed 656
Feb. 24 34 Committee AM0176 adopted as amended by Wehrbein pending AM0281 p. 656. Advanced for Review 876
Mar. 1 37 Placed on Select File - AM5074 918
Mar. 14 45 AM5074 (E & R) adopted. Rogers AM0677 adopted. Advanced for Engrossment 1142
Mar. 17 48 Correctly Engrossed. ER6136 change 1206
Mar. 23 52 Final Reading 40-2-7 1308
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 156. By Hefner, Ashford, Pirsch, Lynch, Elmer, Beyer, Goodrich, Baack, Hall, Labedz, Lindsay

Jan. 5 2 Read first time 78
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 9 3 Notice of hearing (1/17) 129
Jan. 25 14 Placed on General File - Com AM0052 441
Jan. 26 15 Committee AM0052 adopted. Chambers motion to indefinitely postpone lost. Advanced for Review 452
Jan. 27 16 Placed on Select File - AM5021 460
Feb. 1 19 AM5021 (E & R) adopted. Chambers motion to indefinitely postpone

lost. Advanced for Engrossment 533
Feb. 2 20 Correctly Engrossed 553
Feb. 2 20 ER6109 change 554
Feb. 9 25 Final Reading 33-11-5 671
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 157. By Chizek

Jan. 5 2 Read first time 78
Jan. 9 3 Referred to Committee on Health and Human Services 123
Jan. 18 9 Notice of hearing (1/25) 266
Feb. 3 21 Placed on General File 595
Feb. 21 31 Chizek AM0481 printed 808
Feb. 24 34 Chizek pending AM0481 p. 808 adopted. Advanced for Review 874
Mar. 1 37 Placed on Select File - AM5073 916
Mar. 14 45 AM5073 (E & R) adopted. Kristensen AM0876 adopted. Advanced for Engrossment 1141
Mar. 16 47 Correctly Engrossed. ER6135 change 1189
Mar. 23 52 Attorney General's Opinion #89019 to Wesely ... 1318
Apr. 5 59 Final Reading 35-0-14 1510
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 158. By Labedz

Jan. 5 2 Read first time 78
Jan. 9 3 Referred to Committee on Transportation 123
Jan. 9 3 Notice of hearing (1/17) 129
Jan. 18 9 Placed on General File 268
Jan. 19 10 Advanced for Review 312
Jan. 20 11 Placed on Select File 371
Jan. 23 12 Labedz FA7 adopted. Advanced for Engrossment 400
Jan. 24 13 Correctly Engrossed. ER0105 change 415
May 17 85 Final Reading 35-10-4 2463
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 158A. By Labedz

Jan.	20	11	Read first time. Placed on General File	387
Feb.	7	23	Advanced for Review	626
Feb.	8	24	Placed on Select File	651
Feb.	13	27	Labedz AM0287 printed	728
Feb.	21	31	Labedz pending AM0287 p. 728 adopted. Advanced for Engrossment	807
Feb.	22	32	Correctly Engrossed	817
May	17	85	Final Reading 33-9-7	2463
May	17	85	President signed	2475
May	17	85	Presented to Governor (5/17)	2482
May	24	90	Approved by Governor (5/22)	2720

LEGISLATIVE BILL 159. By Conway, Ashford, Lindsay, Chizek, McFarland, Nelson, Chambers, Abboud

Jan.	5	2	Read first time	78
Jan.	9	3	Referred to Committee on Judiciary	123
Jan.	13	7	Notice of hearing (1/26)	216
Jan.	27	16	Placed on General File	460
Jan.	31	18	Passed over	521
Feb.	14	28	Conway request to bracket - Barrett objected. Conway motion to bracket lost. Failed to advance for Review	735
Feb.	14	28	McFarland FA36 printed	740

LEGISLATIVE BILL 160. By Warner, Langford, Kristensen

Jan.	5	2	Read first time	79
Jan.	9	3	Referred to Committee on Education	123
Jan.	27	16	Notice of hearing (2/21)	478
Mar.	20	49	Attorney General's Opinion #89015 to Warner	1234

LEGISLATIVE BILL 161. By R. Johnson, Coordsen, Schellpeper, Scofield, Elmer, Weihing, Baack

Jan.	5	2	Read first time	82
Jan.	9	3	Referred to Committee on Agriculture	123
Jan.	12	6	Notice of hearing (1/31)	199
Mar.	2	38	R. Johnson motion to place on General File laid over	956
Mar.	8	42	Placed on General File - Com AM0730	1028
Mar.	13	44	Agriculture Committee priority bill	1108
Apr.	5	59	Bracketed until 1/1/90	1531

LEGISLATIVE BILL 162. By R. Johnson, Lamb, Baack, Elmer, Rogers, Schellpeper

Jan.	5	2	Read first time	83
Jan.	9	3	Referred to Committee on Agriculture	123
Jan.	18	9	Morrissey name added	294
Jan.	27	16	Notice of hearing (2/14)	479
Mar.	1	37	Placed on General File	930
Mar.	13	44	Agriculture Committee priority bill	1108
Apr.	3	57	Advanced for Review	1456
Apr.	7	61	Placed on Select File	1583
May	9	80	Advanced for Engrossment	2251
May	11	82	Correctly Engrossed. ER6182 change	2313
May	17	85	Final Reading 32-10-7	2464
May	17	85	President signed	2475
May	17	85	Presented to Governor (5/17)	2482
May	24	90	Returned by Governor without approval (5/23)	2724
May	24	90	R. Johnson-Coordsen motion to override veto failed 15-17-17	2767

LEGISLATIVE BILL 162A. By R. Johnson

Mar.	9	43	Read first time. Placed on General File	1057
Apr.	3	57	Advanced for Review	1456
Apr.	7	61	Placed on Select File	1583
May	9	80	Advanced for Engrossment	2251
May	11	82	Correctly Engrossed	2313
May	17	85	Final Reading 33-9-7	2465
May	17	85	President signed	2475
May	17	85	Presented to Governor (5/17)	2482
May	24	90	Returned by Governor without approval (5/23)	2724

LEGISLATIVE BILL 163. By R. Johnson, Baack, Schellpeper, Scofield, Hall, Wesely, Ashford

Jan.	5	2	Read first time	83
Jan.	9	3	Referred to Committee on Natural Resources	123
Jan.	18	9	Withem name added	294
Feb.	1	19	Notice of hearing (2/9)	531
Mar.	14	45	Speaker Barrett priority bill	1144
Mar.	15	46	Placed on General File - AM0886	1154

LEGISLATIVE BILL 164. By Ashford, Landis, Conway, Chizek

Jan.	5	2	Read first time	83

Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 123
Feb. 1 19 Notice of hearing (3/16) 536
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 16 47 Lindsay name added 1195
Mar. 22 51 Placed on General File - Com AM0933 1288
May 16 84 Attorney General's Opinion #89049 to Haberman 2401

LEGISLATIVE BILL 165. By Chambers

Jan. 5 2 Read first time 83
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 124
Jan. 12 6 Notice of hearing (1/19) 210
Jan. 25 14 Placed on General File - Com AM0046 445
Jan. 30 17 Committee AM0046 adopted. Advanced for Review 487
Jan. 31 18 Placed on Select File - AM5026 516
Jan. 31 18 Chambers AM0156 printed 524
Feb. 7 23 AM5026 (E & R) adopted. Chambers pending AM0156 p. 524 adopted. Advanced for Engrossment 627
Feb. 8 24 Correction 642
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Failed on Final Reading 20-15-14 710
Feb. 13 27 Hannibal motion to reconsider action laid over 720
Feb. 16 30 Hannibal pending motion p. 720 to reconsider action prevailed 776
Feb. 16 30 Schimek motion to return to Select File for FA38 lost. Final Reading 26-15-8 777
Feb. 16 30 Speaker signed 778
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 166. By Lamb

Jan. 5 2 Read first time 83
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 13 7 Notice of hearing (1/25) 216
Jan. 27 16 Placed on General File - Com AM0100 472
Jan. 31 18 Committee AM0100 adopted. Advanced for Review 521
Feb. 1 19 Placed on Select File - AM5032 528
Feb. 7 23 AM5032 (E & R) adopted.

Advanced for Engrossment 632
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading w/E 37-0-12 711
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 167. By Schmit

Jan. 5 2 Read first time 83
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 20 11 Notice of hearing (1/27) 370
Jan. 30 17 Placed on General File 491
Feb. 2 20 Advanced for Review 561
Feb. 3 21 Placed on Select File 578
Feb. 9 25 Advanced for Engrossment 677
Feb. 10 26 Correctly Engrossed 700
Feb. 16 30 Final Reading 36-1-12 771
Feb. 16 30 Speaker signed 777
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 168. By Schmit

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 20 11 Placed on General File 371
Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File - AM5013 412
Jan. 25 14 AM5013 (E & R) adopted.
Advanced for Engrossment 445
Jan. 26 15 Correctly Engrossed 449
Feb. 7 23 Final Reading 45-0-4 623
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 169. By Schmit

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 20 11 Placed on General File 371

Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File 412
Jan. 25 14 Advanced for Engrossment 445
Jan. 26 15 Correctly Engrossed 449
Feb. 7 23 Final Reading 44-0-5 624
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 170. By Schmit

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 20 11 Indefinitely postponed 371

LEGISLATIVE BILL 171. By Schmit

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 13 7 Notice of hearing (1/25) 216
Jan. 26 15 Placed on General File 449
Jan. 31 18 Advanced for Review 519
Feb. 1 19 Placed on Select File - AM5028 527
Feb. 7 23 AM5028 (E & R) adopted.
Advanced for Engrossment 631
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 36-0-13 712
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 172. By Schmit

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 13 7 Notice of hearing (1/25) 216
Jan. 26 15 Placed on General File 449
Jan. 31 18 Advanced for Review 519
Feb. 1 19 Placed on Select File - AM5029 528
Feb. 7 23 AM5029 (E & R) adopted.
Advanced for Engrossment 632
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 37-0-12 713

Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 173. By McFarland

Jan. 5 2 Read first time 84
Jan. 9 3 Referred to Committee on Urban Affairs 124
Jan. 17 8 Notice of hearing (1/24) 255
Feb. 2 20 Indefinitely postponed 565

LEGISLATIVE BILL 174. By McFarland

Jan. 5 2 Read first time 85
Jan. 9 3 Referred to Committee on Education 124
Jan. 27 16 Notice of hearing (3/6) 478
Mar. 14 45 Indefinitely postponed 1116

LEGISLATIVE BILL 175. By McFarland

Jan. 5 2 Read first time 85
Jan. 9 3 Referred to Committee on Business and Labor 124
Jan. 13 7 Notice of hearing (1/23) 235
Jan. 25 14 Placed on General File - Com AM0053 423
Jan. 26 15 Committee AM0053 adopted.
Advanced for Review 450
Jan. 27 16 Placed on Select File - AM5020 458
Feb. 1 19 AM5020 (E & R) adopted.
Advanced for Engrossment 531
Feb. 2 20 Correctly Engrossed 553
May 2 75 McFarland AM1627 printed 2025
May 15 83 Returned to Select File for McFarland amendment. McFarland pending AM1627 p. 2025 adopted. Advanced for Re-Engrossment. Hall motion to suspend rules and consider FA260 lost 2323
May 15 83 Correctly Re-Engrossed. ER6197 change 2385
May 17 85 Final Reading 35-7-7 2466
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 175A. By McFarland

Jan.	26	15	Read first time. Placed on General File	457
Feb.	7	23	Advanced for Review	626
Feb.	8	24	Placed on Select File	651
Feb.	13	27	Advanced for Engrossment	723
Feb.	15	29	Correctly Engrossed	747
May	17	85	Final Reading 38-1-10	2467
May	17	85	President signed	2475
May	17	85	Presented to Governor (5/17)	2482
May	24	90	Approved by Governor (5/22)	2720

LEGISLATIVE BILL 176. By McFarland

Jan.	5	2	Read first time	85
Jan.	9	3	Referred to Committee on Business and Labor	124
Jan.	13	7	Notice of hearing (1/23)	235
Feb.	1	19	Placed on General File - Com AM0147	550
Feb.	9	25	Committee AM0147 adopted. Advanced for Review	676
Feb.	10	26	Placed on Select File - AM5053	685
Feb.	21	31	AM5053 (E & R) adopted. Advanced for Engrossment	808
Feb.	22	32	Correctly Engrossed	829
Mar.	2	38	McFarland motion to return to Select File for FA48 withdrawn	939, 944
Mar.	2	38	Final Reading 41-0-8	945
Mar.	2	38	President signed	950
Mar.	2	38	Presented to Governor (3/2)	956
Mar.	7	41	Approved by Governor (3/6)	1004

LEGISLATIVE BILL 177. By McFarland

Jan.	5	2	Read first time	85
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	124
Jan.	11	5	Notice of hearing (1/18)	194
Jan.	25	14	Placed on General File - Com AM0058	445
Jan.	30	17	Committee AM0058 adopted. Moore motion to indefinitely postpone lost. Warner FA13 adopted. Hefner FA14 lost. Advanced for Review	487
Jan.	31	18	Placed on Select File - AM5027	516
Feb.	6	22	Moore AM0201 printed separate	609
Feb.	7	23	AM5027 (E & R) adopted. Moore pending AM0201 p. 609 lost. Crosby motion to indefinitely postpone lost. Moore	

FA25 lost. Advanced for Engrossment 628
Feb. 8 24 Correctly Engrossed 651
Feb. 23 33 Attorney General's Opinion #89010 to Moore 842
May 19 87 Returned to Select File for McFarland amendment. McFarland AM0291 adopted. Advanced for Re-Engrossment 2596
May 19 87 Correctly Re-Engrossed 2604
May 19 87 ER6224 change 2605
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Moore motion to return to Select File for FA302 withdrawn 2686
May 23 89 Final Reading 25-20-4 2687
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Returned by Governor without approval (5/26) . 2793

LEGISLATIVE BILL 177A. By McFarland

Jan. 27 16 Read first time. Placed on General File 470
Feb. 7 23 Advanced for Review 626
Feb. 8 24 Placed on Select File 651
Feb. 13 27 Advanced for Engrossment 723
Feb. 15 29 Correctly Engrossed 747
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Moore motion to return to Select File for FA303 withdrawn. Final Reading 25-19-5 2688
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Returned by Governor without approval (5/26) . 2793

LEGISLATIVE BILL 178. By McFarland

Jan. 5 2 Read first time 85
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 27 16 Notice of hearing (2/16) 461
Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 179. By McFarland

Jan. 5 2 Read first time 85
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 27 16 Notice of hearing (2/16) 461
Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 180. By McFarland

Jan.	5	2	Read first time	85
Jan.	9	3	Referred to Committee on Education	124
Jan.	10	4	Notice of hearing (1/17)	155
Jan.	18	9	Placed on General File	257
Jan.	19	10	Failed to advance for Review	297
Jan.	23	12	McFarland AM0030 printed	402
Jan.	24	13	McFarland pending AM0030 p. 402 withdrawn. McFarland FA8 lost. Lamb motion to indefinitely postpone laid over	416

LEGISLATIVE BILL 181. By McFarland

Jan.	5	2	Read first time	86
Jan.	9	3	Referred to Committee on Revenue	124
Jan.	11	5	Notice of hearing (1/19)	194
Jan.	24	13	Indefinitely postponed	414

LEGISLATIVE BILL 182. By Coordsen, Bernard-Stevens, Scofield, Ashford, Moore, Kristensen, Labedz, Schellpeper, Lindsay

Jan.	5	2	Read first time	86
Jan.	9	3	Referred to Committee on Judiciary	124
Jan.	30	17	Notice of hearing (2/23)	484
Mar.	13	44	Coordsen priority bill	1069
Mar.	14	45	Placed on General File - Com AM0863	1144
Apr.	12	64	Attorney General's Opinion #89034 to Wesely	1661
Apr.	12	64	Committee AM0863 adopted. Wesely motion to indefinitely postpone withdrawn. Smith FA156 withdrawn. Advanced for Review	1664
Apr.	17	66	Placed on Select File - AM7060	1729
Apr.	24	71	AM7060 (E & R) adopted. Coordsen AM1498 adopted as amended by Coordsen FA185. Advanced for Engrossment	1877
Apr.	27	74	Correctly Engrossed	1978
Apr.	27	74	ER6175 change	1979
May	4	77	Coordsen AM1673 printed	2088
May	15	83	Returned to Select File for Coordsen amendment. Coordsen pending AM1673 p. 2088 adopted. Advanced for Re-Engrossment	2325
May	15	83	Correctly Re-Engrossed	2392
May	17	85	Final Reading 45-0-4	2468

May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 182A. By Coordsen

May 2 75 Read first time. Placed on General File 2033
May 8 79 Advanced for Review 2144
May 9 80 Placed on Select File 2229
May 11 82 Advanced for Engrossment 2295
May 11 82 Correctly Engrossed. ER6185 change 2317
May 17 85 Final Reading 45-0-4 2469
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 183. By Baack, Bernard-Stevens

Jan. 5 2 Read first time 86
Jan. 9 3 Referred to Committee on Education 124
Jan. 13 7 Notice of hearing (1/23) 217
Feb. 1 19 Placed on General File - Com AM0145 537
Feb. 2 20 Withem name added 571
Feb. 10 26 Baack priority bill 689
Feb. 15 29 McFarland name added 763
Feb. 16 30 Attorney General's Opinion #89009 to Lamb 766
Feb. 16 30 Elmer name added 791
Feb. 21 31 Lamb AM0294 (1), AM0472 (2), AM0471 (3), and AM0470 (4) to committee amendment printed 813
Feb. 21 31 Lamb FA40 (5) and AM0256 (6)to committee printed 814
Feb. 22 32 Baack AM0502 to committee amendment adopted. Baack AM0501 to committee amendment pending 821
Feb. 22 32 Baack pending AM0501 p. 822 sustained division of question. Baack FA41 (1) and FA42 (2) to committee amendment adopted. Baack AM0503, AM0505, AM0504, and AM0506 to committee amendment adopted. Lamb pending AM0294 (1) p. 813 withdrawn. Lamb pending AM0472 (2) p. 813 pending. Dierks motion to bracket until 1/15/1990 lost. Pending 824
Feb. 28 36 Committee AM0145 adopted as amended by

Lamb pending FA40 p. 814 and Schellpeper FA43. Lamb pending AM0472 (2), AM0471 (3) p. 813, AM0256 (6) p. 814 lost. Lamb pending AM0470 (4) p. 813 withdrawn. Advanced for Review 902
Mar. 3 39 Placed on Select File - AM5078 ..... 974 (printed separate)
Mar. 13 44 Baack AM0709 to AM5078 printed 1096
Mar. 13 44 Baack AM0861 to AM5078 printed 1099
Mar. 13 44 Baack AM0862 to AM5078 printed 1109
Mar. 14 45 AM5078 (E & R) adopted. Baack pending AM0709 p. 1096 and pending AM0861 p. 1099 adopted. 1143
Mar. 15 46 Baack pending AM0862 p. 1109, Chambers FA67 to AM5078 and Baack FA68 adopted. Hefner AM0910 and Dierks AM0923 lost. Pending 1162
Mar. 15 46 Advanced for Engrossment 1170
Mar. 20 49 Correctly Engrossed. ER6138 change 1228
Mar. 20 49 Attorney General's Opinion #89017 to Lamb 1245
Apr. 4 58 Attorney General's Opinion #89024 to Lamb 1465
Apr. 13 65 Hefner AM1088 printed 1675
Apr. 19 68 Attorney General's Opinion #89037 to Lamb 1786
Apr. 21 70 Lamb AM1464 printed 1844
May 19 87 Hefner pending AM1088 p. 1675 and Lamb pending AM1464 p. 1844 withdrawn. Dierks motion to bracket until 1/10/90 withdrawn 2607
May 19 87 Final Reading 27-20-2 2608
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/23) 2721

LEGISLATIVE BILL 183A. By Baack

Feb. 23 33 Read first time. Placed on General File 857
Feb. 28 36 Advanced for Review 907
Mar. 3 39 Placed on Select File 975
Mar. 22 51 Withem-Bernard-Stevens-Baack AM0952 adopted. Advanced for Engrossment 1299
Mar. 27 53 Correctly Engrossed 1336
May 19 87 Final Reading 39-6-4 2609
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/23) 2721

LEGISLATIVE BILL 184. By Schmit

Jan.	5	2	Read first time	87
Jan.	9	3	Referred to Committee on Natural Resources	124
Jan.	20	11	Notice of hearing (1/27)	370
Jan.	30	17	Placed on General File	491
Feb.	2	20	Advanced for Review	562
Feb.	3	21	Placed on Select File - AM5035	578
Feb.	9	25	AM5035 (E & R) adopted. Advanced for Engrossment	677
Feb.	10	26	Correctly Engrossed	700
Feb.	16	30	Final Reading 36-0-13	772
Feb.	16	30	Speaker signed	777
Feb.	16	30	Presented to Governor (2/16)	789
Feb.	22	32	Approved by Governor (2/21)	819

LEGISLATIVE BILL 185. By Schmit

Jan.	5	2	Read first time	87
Jan.	9	3	Referred to Committee on Natural Resources	124
Jan.	20	11	Notice of hearing (1/27)	370
Jan.	30	17	Placed on General File	491
Feb.	2	20	Schmit FA19 adopted. Advanced for Review	562
Feb.	3	21	Placed on Select File	578
Feb.	9	25	Advanced for Engrossment	677
Feb.	10	26	Correctly Engrossed	700
Feb.	16	30	Final Reading w/E 37-0-12	773
Feb.	16	30	Speaker signed	777
Feb.	16	30	Presented to Governor (2/16)	789
Feb.	22	32	Approved by Governor (2/21)	819

LEGISLATIVE BILL 186. By Abboud

Jan.	5	2	Read first time	87
Jan.	9	3	Referred to Committee on Transportation	124
Jan.	27	16	Notice of hearing (2/6)	469
Feb.	8	24	Indefinitely postponed	646

LEGISLATIVE BILL 187. By Lynch

Jan.	5	2	Read first time	87
Jan.	9	3	Lindsay name added	94
Jan.	9	3	Referred to Committee on Health and Human Services	124

Jan.	11	5	Notice of hearing (1/19)	193
Jan.	17	8	Labedz name added	241
Jan.	30	17	Placed on General File - Com AM0107	497
Feb.	15	29	Committee AM0107 adopted. Advanced for Review	749
Feb.	16	30	Placed on Select File - AM5063	765
Feb.	16	30	Haberman AM0032 printed	768
Mar.	2	38	AM5063 (E & R) adopted. Haberman pending AM0032 p. 768 withdrawn. Lynch AM0516 adopted. Advanced for Engrossment	952
Mar.	6	40	Correctly Engrossed	989
Mar.	6	40	ER6126 change	990
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Bracketed until 1/3/90	2689

LEGISLATIVE BILL 187A. By Lynch

Feb.	7	23	Read first time. Placed on General File	634
Feb.	15	29	Advanced for Review	749
Feb.	16	30	Placed on Select File	766
Mar.	2	38	Lynch AM0682 adopted. Advanced for Engrossment	953
Mar.	6	40	Correctly Engrossed	989
May	17	85	Lynch AM1890 printed	2494
May	19	87	Lynch pending AM1890 p. 2494 withdrawn. Returned to Select File for Lynch amendment. Lynch AM1934 adopted. Advanced for Re-Engrossment	2597
May	19	87	Correctly Re-Engrossed	2604
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Bracketed until 1/3/90	2689

LEGISLATIVE BILL 188. By Schmit

Jan.	5	2	Read first time	87
Jan.	9	3	Lamb name added	94
Jan.	9	3	Referred to Committee on Education	124
Feb.	23	33	Notice of hearing (3/14)	847
Mar.	20	49	Indefinitely postponed	1226
Mar.	20	49	Attorney General's Opinion #89016 to Schmit	1243
Mar.	29	55	Withem-Schmit motion to suspend rules and place on General File laid over	1383
Apr.	4	58	Withem-Schmit pending motion p. 1383 lost	1474
Apr.	7	61	Attorney General's Opinion #89030 to Dierks	1577

Apr. 7 61 Attorney General's Opinion #89031
to Schmit and Chizek 1579

LEGISLATIVE BILL 189. By Lynch, Moore, Withem, McFarland, Rogers

Jan. 5 2 Read first time 87
Jan. 9 3 Referred to Committee on Government,
Military and Veterans Affairs 124
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 19 10 Placed on General File 350
Jan. 20 11 Warner-Haberman FA1 sustained division
of question. Warner-Haberman FA3 and
FA4 adopted. Lynch FA2 lost. Pending 367
Jan. 20 11 Haberman AM0020 adopted. Abboud AM0022
withdrawn. Advanced for Review 372
Jan. 23 12 Placed on Select File - AM5011 398
Jan. 24 13 AM5011 (E & R) adopted.
Advanced for Engrossment 420
Jan. 25 14 Correctly Engrossed 423
Feb. 7 23 Final Reading 44-0-5 621
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 190. By Withem

Jan. 9 3 Read first time 95
Jan. 9 3 Referred to Committee on Education 124
Jan. 10 4 Notice of hearing (1/17) 155
Jan. 18 9 Placed on General File 257
Jan. 19 10 Advanced for Review 309
Jan. 20 11 Placed on Select File 371
Jan. 23 12 Advanced for Engrossment 400
Jan. 24 13 Correctly Engrossed 415
Feb. 7 23 Final Reading 43-0-6 618
Feb. 7 23 President signed 625
Feb. 7 23 Presented to Governor (2/7) 635
Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 191. By Withem

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Government,
Military and Veterans Affairs 124

Jan. 25 14 Notice of hearing (2/1) 446
Feb. 9 25 Placed on General File - Com AM0250 673

LEGISLATIVE BILL 192. By Withem

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Education 124
Jan. 27 16 Notice of hearing (2/6) 477
Mar. 14 45 Indefinitely postponed 1116

LEGISLATIVE BILL 193. By Withem

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Revenue 124
Jan. 18 9 Notice of hearing (1/25) 257
Jan. 23 12 Hartnett name added 403
Jan. 30 17 Indefinitely postponed 497

LEGISLATIVE BILL 194. By Crosby, Schimek

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Urban Affairs 124
Jan. 17 8 Notice of hearing (1/24) 255
Jan. 26 15 Placed on General File 455
Jan. 31 18 Crosby AM0098 adopted.
Advanced for Review 520
Feb. 1 19 Placed on Select File - AM5031 528
Feb. 7 23 AM5031 (E & R) adopted.
Advanced for Engrossment 632
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading w/E 37-0-12 714
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 195. By Conway, Hefner

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 20 11 Notice of hearing (1/27) 370
Jan. 30 17 Placed on General File - Com AM0125 492
Feb. 2 20 Committee AM0125 lost 566
Feb. 3 21 Advanced for Review 581
Feb. 6 22 Placed on Select File - AM5038 606

Feb. 9 25 AM5038 (E & R) adopted.
Advanced for Engrossment 677
Feb. 13 27 Correctly Engrossed 705
Feb. 16 30 Final Reading 39-0-10 775
Feb. 16 30 Speaker signed 777
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 196. By Korshoj

Jan. 9 3 Read first time 96
Jan. 9 3 Referred to Committee on Government,
Military and Veterans Affairs 124
Feb. 1 19 Notice of hearing (2/15) 535
Feb. 21 31 Indefinitely postponed 793

LEGISLATIVE BILL 197. By Coordsen

Jan. 9 3 Read first time 97
Jan. 9 3 Referred to Committee on Revenue 124
Jan. 11 5 Notice of hearing (1/18) 194
Feb. 13 27 Indefinitely postponed 726

LEGISLATIVE BILL 198. By Schellpeper, McFarland

Jan. 9 3 Read first time 97
Jan. 9 3 Referred to Committee on Revenue 124
Jan. 18 9 Notice of hearing (1/25) 257
Jan. 30 17 Placed on General File 495
Feb. 3 21 Advanced for Review 588
Feb. 6 22 Placed on Select File - AM5040 606
Feb. 9 25 AM5040 (E & R) adopted.
Advanced for Engrossment 677
Feb. 13 27 Correctly Engrossed 705
May 17 85 Returned to Select File for Hall-Lindsay amendment. Hall-Lindsay AM1900 (on file) adopted. Advanced for Re-Engrossment. Warner motion to return to Select File for FA277 lost 2470
May 17 85 Returned to Select File for Smith amendment. Smith FA278 adopted. Readvanced to Final Reading 2471
May 17 85 Final Reading 43-4-2 2472
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482

May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 199. By Nelson

Jan. 9 3 Read first time 97
Jan. 9 3 Referred to Committee on Natural Resources 124
Jan. 12 6 Notice of hearing (1/19) 200
Feb. 27 35 Indefinitely postponed 883

LEGISLATIVE BILL 200. By Chizek

Jan. 9 3 Read first time 97
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 17 8 Notice of hearing (1/25) 254
Jan. 26 15 Placed on General File 451
Jan. 31 18 Advanced for Review 520
Feb. 1 19 Placed on Select File 528
Feb. 7 23 Advanced for Engrossment 632
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 37-0-12 714
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 201. By Chizek

Jan. 9 3 Read first time 97
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 17 8 Notice of hearing (1/25) 254
Jan. 26 15 Placed on General File 452
Jan. 31 18 Passed over 520

LEGISLATIVE BILL 202. By Chizek

Jan. 9 3 Read first time 100
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 19 10 Notice of hearing (2/1) 321

LEGISLATIVE BILL 203. By Chizek

Jan. 9 3 Read first time 101
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 17 8 Notice of hearing (1/25) 254
Mar. 14 45 Placed on General File - Com AM0856 1131

LEGISLATIVE BILL 204. By Chizek

Jan.	9	3	Read first time	101
Jan.	9	3	Referred to Committee on Judiciary	124
Jan.	17	8	Notice of hearing (1/25)	254
Jan.	26	15	Placed on General File	452

LEGISLATIVE BILL 205. By Chizek

Jan.	9	3	Read first time	101
Jan.	9	3	Referred to Committee on Judiciary	124
Jan.	27	16	Notice of hearing (2/22)	461

LEGISLATIVE BILL 206. By L. Johnson

Jan.	9	3	Read first time	101
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	124
Feb.	1	19	Notice of hearing (3/8)	536
Mar.	9	43	Placed on General File	1049
Mar.	30	56	Advanced for Review	1414
Apr.	6	60	Placed on Select File - AM7024	1536
Apr.	7	61	AM7024 (E & R) adopted. Advanced for Engrossment	1575
Apr.	12	64	Correctly Engrossed	1671
Apr.	19	68	Final Reading 42-0-7	1770
Apr.	19	68	Speaker signed	1775
Apr.	19	68	Presented to Governor (4/19)	1778
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 207. By L. Johnson

Jan.	9	3	Read first time	101
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	124
Jan.	9	3	Notice of hearing (1/17)	130
Jan.	19	10	Placed on General File	296
Jan.	20	11	Advanced for Review	367
Jan.	23	12	Placed on Select File	398
Jan.	24	13	Advanced for Engrossment	420
Jan.	25	14	Correctly Engrossed	423
Feb.	7	23	Final Reading 44-0-5	622
Feb.	7	23	President signed	625
Feb.	7	23	Presented to Governor (2/7)	635

Feb. 10 26 Approved by Governor (2/10) 692

LEGISLATIVE BILL 208. By Wesely

Jan. 9 3 Read first time 102
Jan. 9 3 Referred to Committee on Judiciary 124
Jan. 18 9 Notice of hearing (1/27) 257
Jan. 30 17 Placed on General File - Com AM0136 497
Feb. 6 22 Committee AM0136 adopted.
Advanced for Review 604
Feb. 8 24 Placed on Select File - AM5043 650
Feb. 10 26 Wesely AM0318 printed 704
Feb. 13 27 AM5043 (E & R) adopted. Wesely pending
AM0318 p. 704 and Chambers-Wesely
FA34 adopted. Advanced for Engrossment 722
Feb. 15 29 Correctly Engrossed. ER6113 change 747
Feb. 24 34 Final Reading 39-7-3 864
Feb. 24 34 President signed 870
Feb. 24 34 Presented to Governor (2/24) 875
Mar. 3 39 Approved by Governor (3/1) 959

LEGISLATIVE BILL 209. By Ashford, Schmit

Jan. 9 3 Read first time 102
Jan. 9 3 Referred to Committee on Revenue 125
Jan. 12 6 Schellpeper name added 212
Jan. 19 10 Notice of hearing (1/26) 308
Jan. 30 17 Placed on General File 495
Feb. 3 21 Advanced for Review 588
Feb. 6 22 Placed on Select File - AM5039 606
Feb. 9 25 AM5039 (E & R) adopted.
Advanced for Engrossment 678
Feb. 13 27 Correctly Engrossed 705
Feb. 16 30 Bracketed until 3/1/89 775
May 17 85 Hall AM1734 printed 2453
May 19 87 Unbracketed 2606
May 22 88 Hall pending AM1734 p. 2453 withdrawn.
Final Reading 45-0-4 2615
May 22 88 Speaker signed 2623
May 22 88 Conway explanation of vote 2647
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 210. By Lynch, Chizek

Jan. 9 3 Read first time 102
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 13 7 Notice of hearing (1/26) 216

LEGISLATIVE BILL 211. By Langford, Bernard-Stevens, Smith

Jan. 9 3 Read first time 102
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 30 17 Notice of hearing (3/16) 485
Mar. 13 44 Langford priority bill 1069
Apr. 12 64 Placed on General File 1657
May 4 77 Chizek AM1696 printed 2108
May 11 82 Chambers FA259 lost.
Advanced for Review 2295
May 15 83 Placed on Select File - AM7078 2333
May 17 85 Hall FA280 printed 2482
May 18 86 AM7078 (E & R) adopted. Chizek pending AM1696 p. 2108 and Hall pending FA280 p. 2482 withdrawn.
Advanced for Engrossment 2531
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading 39-8-2 2666
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 212. By Beyer

Jan. 9 3 Read first time 102
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 125
Feb. 1 19 Notice of hearing (2/15) 535
Mar. 16 47 Placed on General File - Com AM0691 1193
(printed separate)

LEGISLATIVE BILL 213. By Landis

Jan. 9 3 Read first time 103
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 125
Feb. 1 19 Notice of hearing (2/23) 535
Mar. 1 37 Placed on General File 923
Mar. 30 56 Advanced for Review 1412
Apr. 6 60 Placed on Select File - AM7028 1535

May 19 87 AM7028 (E & R) adopted.
Advanced for Engrossment 2571
May 19 87 Correctly Engrossed. ER6219 change 2575
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 49-0-0 2689
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 214. By Landis

Jan. 9 3 Read first time 103
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 125
Jan. 23 12 Notice of hearing (1/31) 398
Feb. 2 20 Placed on General File - Com AM0190 567
Feb. 15 29 Committee AM0190 adopted.
Advanced for Review 756
Feb. 16 30 Placed on Select File - AM5060 766
Mar. 2 38 AM5060 (E & R) adopted.
Advanced for Engrossment 955
Mar. 6 40 Correctly Engrossed 989
Mar. 9 43 Final Reading 46-0-3 1040
Mar. 9 43 Speaker signed 1046
Mar. 9 43 Presented to Governor (3/9) 1057
Mar. 15 46 Approved by Governor (3/14) 1149

LEGISLATIVE BILL 214A. By Landis

Feb. 8 24 Read first time. Placed on General File 652
Feb. 15 29 Advanced for Review 756
Feb. 16 30 Placed on Select File 766
Mar. 2 38 Advanced for Engrossment 955
Mar. 6 40 Correctly Engrossed 989
Mar. 9 43 Final Reading 45-0-4 1041
Mar. 9 43 Speaker signed 1046
Mar. 9 43 Presented to Governor (3/9) 1057
Mar. 15 46 Approved by Governor (3/14) 1149

LEGISLATIVE BILL 215. By Schimek

Jan. 9 3 Read first time 103
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 30 17 Notice of hearing (2/24) 484
Mar. 13 44 Placed on General File 1081

Mar.	13	44	Judiciary Committee priority bill	1108
May	11	82	Advanced for Review	2305
May	15	83	Placed on Select File - AM7079	2337
May	18	86	AM7079 (E & R) adopted. Advanced for Engrossment	2528
May	18	86	Correctly Engrossed	2548
May	22	88	Barrett motion to suspend rules prevailed	2664
May	22	88	Final Reading 47-0-2	2666
May	22	88	President signed	2672
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Approved by Governor (5/25)	2775

LEGISLATIVE BILL 216. By Scofield

Jan.	9	3	Read first time	103
Jan.	9	3	Referred to Committee on Urban Affairs	125
Jan.	17	8	Notice of hearing (1/24)	255
Mar.	8	42	Indefinitely postponed	1032

LEGISLATIVE BILL 217. By Scofield

Jan.	9	3	Read first time	103
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	125
Jan.	25	14	Notice of hearing (2/3)	446
Feb.	15	29	Indefinitely postponed	748

LEGISLATIVE BILL 218. By Pirsch

Jan.	9	3	Read first time	104
Jan.	9	3	Referred to Committee on Judiciary	125
Jan.	23	12	Notice of hearing (2/8)	390
Feb.	24	34	Bernard-Stevens name added	878

LEGISLATIVE BILL 219. By Pirsch

Jan.	9	3	Read first time	104
Jan.	9	3	Referred to Committee on Judiciary	125
Jan.	30	17	Notice of hearing (3/2)	485

LEGISLATIVE BILL 220. By Pirsch

Jan.	9	3	Read first time	104
Jan.	9	3	Referred to Committee on Judiciary	125
Jan.	23	12	Notice of hearing (2/10)	390

Feb. 21 31 Placed on General File 799
Mar. 30 56 Advanced for Review 1410
Mar. 30 56 Chambers FA128 (1) and FA129 (2) printed 1421
Apr. 3 57 Placed on Select File 1443

LEGISLATIVE BILL 221. By Weihing, Baack

Jan. 9 3 Read first time 104
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 125
Jan. 13 7 Notice of hearing (1/24) 216
Jan. 25 14 Placed on General File - Com AM0072 446
Jan. 30 17 Committee AM0072 adopted. Advanced for Review 495
Jan. 31 18 Placed on Select File 516
Feb. 10 26 Weihing AM0328 adopted. Advanced for Engrossment 694
Feb. 14 28 Correctly Engrossed. ER6111 change 730
Feb. 23 33 Final Reading 43-0-6 846
Feb. 23 33 Speaker signed 847
Feb. 23 33 Presented to Governor (2/23) 857
Feb. 27 35 Approved by Governor (2/24) 880

LEGISLATIVE BILL 222. By Landis

Jan. 9 3 Read first time 104
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 125
Jan. 23 12 Notice of hearing (1/30) 398
Mar. 15 46 Placed on General File - Com AM0851 1165
Mar. 16 47 Landis AM0950 to committee amendment printed 1180

LEGISLATIVE BILL 223. By Peterson, Beyer, Rogers, Abboud, Lamb, Hefner

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 125
Jan. 11 5 Coordsen name added 198
Jan. 12 6 Notice of hearing (1/20) 210
Jan. 24 13 Indefinitely postponed 414

LEGISLATIVE BILL 224. By McFarland, Chizek, Hefner

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 19 10 Notice of hearing (2/2) 321
Feb. 6 22 Placed on General File 603
Mar. 6 40 Chambers motion to indefinitely postpone lost. Pending 987
Mar. 6 40 Chambers FA52 and FA53 lost 991
Mar. 7 41 McFarland motion to suspend rules and vote without debate lost. Lindsay FA55 adopted. Advanced for Review 1012
Mar. 8 42 Placed on Select File - AM5082 1022
Mar. 21 50 McFarland AM1005 printed 1271
Mar. 22 51 McFarland AM1027 printed 1302
Mar. 27 53 AM5282 (E & R) adopted. Pending 1358
Mar. 27 53 Bracketed until 3/28/89. Chambers amendments FA112 (1), FA113 (2), FA114 (3), FA115 (4), and FA116 (5) printed 1359
Mar. 27 53 Chambers amendments FA117 (6), FA118 (7), FA119 (8), FA120 (9), FA121 (10), FA122 (11) and FA123 (12) printed. McFarland AM1074 printed 1360

LEGISLATIVE BILL 224A. By McFarland

Feb. 14 28 Read first time. Placed on General File 743
Mar. 8 42 Advanced for Review 1022
Mar. 9 43 Placed on Select File 1034

LEGISLATIVE BILL 225. By McFarland

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Urban Affairs 125
Jan. 26 15 McFarland motion to rerefer to Education Committee laid over 451
Jan. 27 16 McFarland pending motion p. 451 lost. Warner point of inquiry 461
Jan. 27 16 Notice of hearing (2/21) 468
Mar. 8 42 Indefinitely postponed 1032

LEGISLATIVE BILL 226. By McFarland

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Education 125
Jan. 27 16 Notice of hearing (2/27) 478

Mar. 2 38 Placed on General File - Com AM0628 950

LEGISLATIVE BILL 226A. By McFarland

Mar. 13 44 Read first time. Placed on General File 1101

LEGISLATIVE BILL 227. By McFarland

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Transportation 125
Jan. 27 16 Notice of hearing (2/14) 469
Feb. 21 31 Placed on General File - Com AM0394 797

LEGISLATIVE BILL 227A. By McFarland

Feb. 28 36 Read first time. Placed on General File 914

LEGISLATIVE BILL 228. By McFarland

Jan. 9 3 Read first time 105
Jan. 9 3 Referred to Committee on Education 125
Jan. 27 16 Notice of hearing (3/14) 478
Mar. 15 46 Placed on General File 1156
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File 1538
Apr. 7 61 Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
May 10 81 Withem AM1795 printed 2291
May 15 83 Returned to Select File for Withem amendment. Withem pending AM1795 p. 2291 adopted. Advanced for Re-Engrossment 2326
May 15 83 Correctly Re-Engrossed 2385
May 17 85 Final Reading 47-0-2 2473
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 18 86 McFarland motion to request return from Governor prevailed. Communication 2530
May 18 86 McFarland motion to reconsider action on Final Reading prevailed. Returned to Select File for McFarland amendment. McFarland AM1943 adopted. Advanced for Re-Engrossment 2542
May 18 86 Correctly Re-Engrossed 2548
May 19 87 Correction 2552

May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading 48-0-1 2667
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 24 90 Approved by Governor (5/23) 2721

LEGISLATIVE BILL 228A. By McFarland

Mar. 21 50 Read first time. Placed on General File 1257
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File 1538
Apr. 7 61 Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
May 17 85 Final Reading 45-1-3 2474
May 17 85 President signed 2475
May 17 85 Presented to Governor (5/17) 2482
May 24 90 Approved by Governor (5/23) 2721

LEGISLATIVE BILL 229. By Chizek

Jan. 9 3 Read first time 106
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 10 4 Notice of hearing (1/19) 133
Jan. 20 11 Placed on General File 373
Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File 412
Jan. 27 16 Advanced for Engrossment 462
Jan. 30 17 Correctly Engrossed 484
Feb. 9 25 Final Reading 44-0-5 661
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 230. By Chizek

Jan. 9 3 Read first time 106
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 10 4 Notice of hearing (1/19) 133
Jan. 20 11 Placed on General File 373
Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File 412
Jan. 27 16 Advanced for Engrossment 462
Jan. 30 17 Correctly Engrossed 484
Feb. 9 25 Final Reading 43-0-6 662

Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 231. By Chizek

Jan. 9 3 Read first time 106
Jan. 9 3 Referred to Committee on Health and Human Services 125
Jan. 11 5 Notice of hearing (1/18) 193
Jan. 27 16 Placed on General File - Com AM0084 474
Feb. 2 20 Committee AM0084 adopted. Advanced for Review 560
Feb. 3 21 Placed on Select File - AM5033 577
Feb. 9 25 AM5033 (E & R) adopted. Advanced for Engrossment 677
Feb. 10 26 Correctly Engrossed 700
Apr. 5 59 Final Reading 36-0-13 1513
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 231A. By Wesely

Feb. 9 25 Read first time. Placed on General File 675
Mar. 20 49 Advanced for Review 1232
Mar. 21 50 Placed on Select File 1257
Mar. 23 52 Advanced for Engrossment 1328
Mar. 28 54 Correctly Engrossed 1364
Apr. 5 59 Final Reading 35-0-14 1513
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 232. By Chizek

Jan. 9 3 Read first time 106
Jan. 9 3 Referred to Committee on Judiciary 125
Jan. 10 4 Notice of hearing (1/19) 133
Jan. 20 11 Placed on General File 373
Jan. 23 12 Advanced for Review 399
Jan. 24 13 Placed on Select File 412
Jan. 27 16 Lindsay AM0091 pending 462
Jan. 27 16 Lindsay pending AM0091 p. 462 withdrawn. Failed to advance for Engrossment 464

LEGISLATIVE BILL 233. By Chizek

Jan.	9	3	Read first time	106
Jan.	9	3	Referred to Committee on Judiciary	125
Jan.	10	4	Notice of hearing (1/19)	133
Jan.	20	11	Placed on General File - Com AM0019	373
Jan.	23	12	Committee AM0019 adopted. Advanced for Review	400
Jan.	24	13	Placed on Select File	412
Jan.	27	16	Advanced for Engrossment	465
Jan.	30	17	Correctly Engrossed	484
Feb.	9	25	Final Reading 46-0-3	663
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682
Feb.	15	29	Approved by Governor (2/14)	748

LEGISLATIVE BILL 234. By Wehrbein

Jan.	9	3	Read first time	107
Jan.	9	3	Referred to Committee on Judiciary	125
Jan.	27	16	Notice of hearing (2/15)	460
Feb.	21	31	Placed on General File	799
Apr.	19	68	Haberman AM1406 printed	1768

LEGISLATIVE BILL 235. By Wehrbein

Jan.	9	3	Read first time	107
Jan.	9	3	Referred to Committee on Revenue	125
Jan.	18	9	Wehrbein motion to withdraw laid over	294
Jan.	19	10	Wehrbein pending motion p. 294 prevailed. Withdrawn	297

LEGISLATIVE BILL 236. By Wehrbein

Jan.	9	3	Read first time	107
Jan.	9	3	Referred to Committee on Revenue	125
Jan.	11	5	Notice of hearing (1/19)	194
Jan.	24	13	Placed on General File - Com AM0034	414
Jan.	25	14	Committee AM0034 adopted. Schmit-R. Johnson motion to indefinitely postpone prevailed	444

LEGISLATIVE BILL 237. By Goodrich

Jan. 9 3 Read first time 107
Jan. 9 3 Referred to Committee on Nebraska Retirement Systems 125
Jan. 18 9 Notice of hearing (1/25) 257
Feb. 7 23 Placed on General File - Com AM0085 635
Mar. 8 42 Committee AM0085 adopted. Advanced for Review 1030
Mar. 13 44 Placed on Select File - AM5087 1064
Mar. 22 51 AM5087 (E & R) adopted. Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
Apr. 5 59 Final Reading w/E 36-0-13 1514
Apr. 5 59 President signed 1517
Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 238. By Hall

Jan. 9 3 Read first time 107
Jan. 10 4 Referred to Committee on Business and Labor 169
Jan. 13 7 Notice of hearing (1/23) 235
Feb. 1 19 Placed on General File - Com AM0149 529
Feb. 6 22 Coordsen amendment FA24 printed 609
Feb. 8 24 Committee AM0149 adopted. Coordsen pending FA24 p. 609 adopted. Advanced for Review 651
Feb. 8 24 Conway name added 653
Feb. 9 25 Placed on Select File - AM5050 655
Feb. 13 27 AM5050 (E & R) adopted. Advanced for Engrossment 724
Feb. 15 29 Correctly Engrossed. ER6118 change 750
Feb. 24 34 Final Reading 47-0-2 865
Feb. 24 34 President signed 870
Feb. 24 34 Presented to Governor (2/24) 875
Mar. 3 39 Approved by Governor (3/1) 959

LEGISLATIVE BILL 239. By Hall, Chizek

Jan. 9 3 Read first time 108
Jan. 10 4 Referred to Committee on Revenue 169
Jan. 31 18 Notice of hearing (2/22) 517

LEGISLATIVE BILL 240. By Hall

Jan. 9 3 Read first time 108

Jan. 10 4 Referred to Committee on Urban Affairs 169
Jan. 24 13 Notice of hearing (1/31) 415
Feb. 9 25 Placed on General File 675
Mar. 30 56 Advanced for Review 1401
Apr. 3 57 Placed on Select File 1441
Apr. 18 67 Hall AM1318 printed 1751

LEGISLATIVE BILL 241. By Hall

Jan. 9 3 Read first time 112
Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 169
Jan. 25 14 Notice of hearing (2/2) 446
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 242. By R. Johnson

Jan. 9 3 Read first time 113
Jan. 10 4 Referred to Committee on Nebraska Retirement Systems 169
Jan. 26 15 Notice of hearing (2/2) 456

LEGISLATIVE BILL 243. By Labedz, Hall, Lindsay

Jan. 9 3 Read first time 113
Jan. 10 4 Referred to Committee on Judiciary 170
Jan. 30 17 Notice of hearing (3/2) 485

LEGISLATIVE BILL 244. By Withem

Jan. 9 3 Read first time 113
Jan. 10 4 Referred to Committee on Urban Affairs 170
Jan. 27 16 Notice of hearing (2/28) 468
Mar. 8 42 Placed on General File - Com AM0749 1032

LEGISLATIVE BILL 245. By Withem

Jan. 9 3 Read first time 113
Jan. 10 4 Referred to Committee on Transportation 170
Jan. 27 16 Notice of hearing (2/27) 469
Mar. 3 39 Indefinitely postponed 975

LEGISLATIVE BILL 246. By Withem

Jan. 9 3 Read first time 113

Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 170
Feb. 1 19 Notice of hearing (3/1) 536
Mar. 7 41 Indefinitely postponed 1009

LEGISLATIVE BILL 247. By Withem

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Education 170
Jan. 19 10 Barrett name added 330
Jan. 27 16 Notice of hearing (2/21) 478
Feb. 23 33 Scofield name added 860
Feb. 28 36 Placed on General File 896
Mar. 13 44 Withem priority bill 1069
Apr. 3 57 Withem AM1196 printed 1452
Apr. 4 58 Weihing name added 1476
Apr. 5 59 Withem AM1282 printed 1526
Apr. 6 60 Warner-Kristensen-Langford AM1114 printed separate 1540
Apr. 6 60 Conway FA146 to AM1196 printed 1563
Apr. 7 61 Withem pending AM1196 p. 1452 and Conway FA146 p. 1563 withdrawn. Scofield AM1304 to AM1282 pending 1565
Apr. 7 61 Scofield pending AM1304 p. 1565 and Withem FA147 lost. Withem pending AM1282 p. 1526 adopted. Pending 1572
Apr. 7 61 Warner et al pending AM1114 p. 1540 ruled not germane. Pending 1577
Apr. 7 61 Scofield FA148 to AM1282 adopted. Warner motion to suspend rules and permit consideration of AM1114 prevailed. Warner et al AM1114 p. 1540 pending 1584
Apr. 7 61 Warner et al pending AM1114 p. 1540 adopted. Wesely motion to indefinitely postpone lost. Moore AM1306 withdrawn. Advanced for Review 1587
Apr. 11 63 Wesely AM1350 printed 1645
Apr. 13 65 Placed on Select File - AM7054 1702
Apr. 19 68 Wehrbein FA176 printed 1795
Apr. 20 69 AM7054 (E & R) adopted. Wesely pending AM1350 p. 1645 lost. Pending 1801
Apr. 20 69 Wesely AM1367 (on file) lost. Pending 1803
Apr. 20 69 Wehrbein pending FA176 p. 1795 withdrawn. Wehrbein AM1457, Warner

AM1430 to AM1114, and Scofield AM1465 adopted. Scofield AM1438 (on file) pending. Withem request for ruling if germane. Scofield motion to suspend rules and permit consideration of AM1438 lost. Advanced for Engrossment 1805
Apr. 25 72 Correctly Engrossed. ER6169 change 1908
May 17 85 Moore AM1901 printed 2477
May 18 86 Moore motion to return to Select File for pending AM1901 p. 2477 withdrawn. Wesely motion to return to Select File for FA285 withdrawn. Withem motion to return to Select File for FA286 withdrawn. Final Reading w/E 36-11-2 2503
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/23) 2723
May 24 90 Executive Board Report 2773

LEGISLATIVE BILL 247A. By Withem

Apr. 7 61 Read first time. Placed on General File 1585
Apr. 13 65 Advanced for Review 1676
Apr. 17 66 Placed on Select File 1730
Apr. 20 69 Advanced for Engrossment 1809
Apr. 25 72 Correctly Engrossed 1908
May 18 86 Final Reading w/E 41-7-1 2505
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor with line-item veto (5/23) 2723
May 24 90 Communication 2770
May 31 AJ Message from Secretary of State 2778
May 31 AJ Certificate 2779

LEGISLATIVE BILL 248. By Withem, Landis, Hefner, Beyer, L. Johnson

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Judiciary 170
Jan. 30 17 Notice of hearing (3/17) 485

LEGISLATIVE BILL 249. By Abboud, Hefner, Peterson, Beck

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Revenue 170

Jan. 18 9 Notice of hearing (1/25) 257

LEGISLATIVE BILL 250. By Hall, Withem

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Education 170
Jan. 23 12 Notice of hearing (1/30) 402
Feb. 3 21 Placed on General File - Com AM0202 595
Mar. 1 37 Committee AM0202 adopted as amended by Hall AM0593. Nelson FA44 lost. Advanced for Review 922
Mar. 3 39 Placed on Select File - AM5079 975
Mar. 15 46 Beck AM0900 printed 1167
Mar. 21 50 Schimek AM1001 printed 1270
Mar. 23 52 AM5079 (E & R) adopted. Beck pending AM0900 p. 1167 lost. Schimek pending AM1001 p. 1270 adopted. Advanced for Engrossment 1317
Mar. 23 52 Chambers and Bernard-Stevens names added 1321
Mar. 28 54 Correctly Engrossed 1364
Mar. 28 54 ER6142 change 1365
May 18 86 Final Reading 38-9-2 2505
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Returned by Governor without approval (5/23) . 2726
May 24 90 Withem motion to override veto passed 36-2-11 2768
May 24 90 Communication and Certificate 2772
May 31 AJ Message from Secretary of State 2782
May 31 AJ Certificate 2783

LEGISLATIVE BILL 250A. By Hall

Feb. 24 34 Read first time. Placed on General File 878
Mar. 1 37 Advanced for Review 923
Mar. 3 39 Placed on Select File 975
Mar. 23 52 Advanced for Engrossment 1318
Mar. 28 54 Correctly Engrossed 1364
May 18 86 Final Reading 39-5-5 2506
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Returned by Governor without approval (5/23) . 2726

LEGISLATIVE BILL 251. By Natural Resources Committee

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Natural Resources 170
Jan. 11 5 Notice of hearing (1/18) 194
Jan. 23 12 Placed on General File - Com AM0015 389
Jan. 24 13 Committee AM0015 adopted. Advanced for Review 413
Jan. 25 14 Placed on Select File - AM5015 423
Jan. 27 16 AM5015 (E & R) adopted. Warner AM0093 adopted. Advanced for Engrossment 465
Jan. 30 17 Correctly Engrossed 486
Feb. 9 25 Final Reading 45-0-4 664
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 252. By Chizek

Jan. 9 3 Read first time 114
Jan. 10 4 Referred to Committee on Nebraska Retirement Systems 170
Feb. 14 28 Notice of hearing (2/22) 744

LEGISLATIVE BILL 253. By Withem, Bernard-Stevens

Jan. 9 3 Read first time 115
Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 170
Feb. 1 19 Notice of hearing (3/1) 536
Mar. 22 51 Indefinitely postponed 1290

LEGISLATIVE BILL 254. By Government, Military and Veterans Affairs Committee

Jan. 9 3 Read first time 115
Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 170
Jan. 12 6 Notice of hearing (1/20) 210
Jan. 25 14 Placed on General File - Com AM0047 445
Jan. 31 18 Committee AM0047 adopted. Advanced for Review 518
Feb. 1 19 Placed on Select File 527
Feb. 6 22 Baack AM0229 printed 609
Feb. 10 26 Baack pending AM0229 p. 609, Baack FA30, FA32, and Chambers FA31 adopted. Advanced for Engrossment 695

Feb.	14	28	Correctly Engrossed	730
Mar.	9	43	Baack AM0767 printed	1049
Mar.	17	48	Returned to Select File for Baack amendment. Baack pending AM0767 p. 1049 adopted. Advanced for Re-Engrossment	1199
Mar.	20	49	Correctly Re-Engrossed	1228
Mar.	23	52	Final Reading w/E 43-0-6	1310
Mar.	23	52	Speaker signed	1312
Mar.	23	52	Presented to Governor (3/23)	1317
Mar.	27	53	Approved by Governor (3/27)	1350

LEGISLATIVE BILL 255. By Government, Military and Veterans Affairs Committee

Jan.	9	3	Read first time	115
Jan.	10	4	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	12	6	Notice of hearing (1/19)	210
Jan.	24	13	Placed on General File	413
Jan.	25	14	Advanced for Review	443
Jan.	26	15	Placed on Select File	449
Jan.	27	16	Advanced for Engrossment	466
Jan.	30	17	Correctly Engrossed	484
Feb.	9	25	Final Reading 45-0-4	665
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682
Feb.	15	29	Approved by Governor (2/14)	748

LEGISLATIVE BILL 256. By Government, Military and Veterans Affairs Committee

Jan.	9	3	Read first time	116
Jan.	10	4	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	12	6	Notice of hearing (1/19)	210
Jan.	24	13	Placed on General File - Com AM0048	418
Jan.	26	15	Committee AM0048 adopted. Advanced for Review	450
Jan.	27	16	Placed on Select File	458
Feb.	1	19	Advanced for Engrossment	531
Feb.	2	20	Correctly Engrossed	553
Feb.	9	25	Final Reading 45-0-4	672
Feb.	9	25	President signed	674
Feb.	9	25	Presented to Governor (2/9)	682

Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 257. By Baack

Jan. 9 3 Read first time 116
Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 170
Jan. 12 6 Notice of hearing (1/19) 210
Jan. 24 13 Placed on General File - Com AM0049 413
Jan. 25 14 Committee AM0049 adopted. Advanced for Review 443
Jan. 26 15 Placed on Select File - AM5019 449
Feb. 27 35 Pirsch AM0585 printed 886
Mar. 13 44 Withem AM0804 printed 1088
Apr. 10 62 Baack AM1305 printed 1598
May 16 84 Scofield AM1863 printed separate 2426

LEGISLATIVE BILL 258. By Government, Military and Veterans Affairs Committee

Jan. 9 3 Read first time 116
Jan. 10 4 Referred to Committee on Appropriations 170
Feb. 2 20 Notice of hearing (2/24) 572
Mar. 13 44 Appropriations Committee priority bill 1108
Mar. 21 50 Placed on General File 1253
May 11 82 Advanced for Review 2306
May 15 83 Placed on Select File - AM7082 2364
May 18 86 AM7082 (E & R) adopted. Advanced for Engrossment 2529
May 19 87 Correctly Engrossed. ER6214 change 2567
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 49-0-0 2690
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 259. By Withem

Jan. 9 3 Read first time 116
Jan. 10 4 Referred to Committee on Education 170
Jan. 27 16 Notice of hearing (2/28) 478
Mar. 13 44 Education Committee priority bill 1069
Mar. 14 45 Placed on General File - Com AM0800 1111
Apr. 6 60 Withem AM1251 to committee amendment printed 1556

Apr. 26 73 Attorney General's Opinion #89039 to Withem . 1953

LEGISLATIVE BILL 259A. By Withem

Apr. 3 57 Read first time. Placed on General File 1429

LEGISLATIVE BILL 260. By Conway, Baack, Schmit

Jan. 9 3 Read first time 117
Jan. 10 4 Referred to Committee on Revenue 170
Jan. 11 5 Notice of hearing (1/19) 194
Feb. 13 27 Placed on General File - Com AM0323 724

LEGISLATIVE BILL 260A. By Conway

Feb. 28 36 Read first time. Placed on General File 913

LEGISLATIVE BILL 261. By Kristensen, Robak

Jan. 9 3 Read first time 117
Jan. 10 4 Referred to Committee on Business and Labor 170
Jan. 13 7 Notice of hearing (1/23) 235
Jan. 25 14 Placed on General File 423
Jan. 26 15 Advanced for Review 450
Jan. 27 16 Placed on Select File 459
Feb. 1 19 Advanced for Engrossment 531
Feb. 2 20 Correctly Engrossed 553
May 18 86 Final Reading w/E 47-0-2 2507
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 261A. By Kristensen

Jan. 27 16 Read first time. Placed on General File 470
Feb. 7 23 Advanced for Review 627
Feb. 8 24 Placed on Select File 651
Feb. 13 27 Advanced for Engrossment 723
Feb. 15 29 Correctly Engrossed 747
May 18 86 Final Reading w/E 46-0-3 2508
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 262. By Hall

Jan.	9	3	Read first time	117
Jan.	10	4	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	20	11	Notice of hearing (1/27)	367
Feb.	16	30	Placed on General File - Com AM0377	779
Mar.	1	37	Hall priority bill	921
Mar.	7	41	Conway-Baack-Bernard-Stevens AM0744 printed	1015
Mar.	20	49	Committee AM0377 adopted. Conway-Baack-Bernard-Stevens pending AM0744 p. 1015 lost. Beyer motion to indefinitely postpone laid over	1218
Mar.	20	49	Ashford-Lindsay AM0108 printed	1226
Mar.	21	50	Bernard-Stevens motion to reconsider action on Conway-Baack-Bernard-Stevens AM0744 p. 1015 laid over	1258
Mar.	29	55	Bernard-Stevens pending motion p. 1258 prevailed. Baack-Conway-Bernard-Stevens pending AM0744 p. 1015 adopted. Beyer pending motion p. 1219 to indefinitely postpone lost. Ashford-Lindsay pending AM0108 p. 1226 adopted. Advanced for Review	1381
Apr.	3	57	Placed on Select File	1432
Apr.	19	68	Advanced for Engrossment	1792
Apr.	21	70	Correctly Engrossed	1854
Apr.	21	70	ER6165 change	1855
May	2	75	Final Reading 29-15-5	2021
May	2	75	Speaker signed	2023
May	2	75	Presented to Governor (5/2)	2028
May	4	77	Approved by Governor (5/4)	2089

LEGISLATIVE BILL 263. By Moore

Jan.	9	3	Read first time	118
Jan.	10	4	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	20	11	Notice of hearing (1/27)	367
Feb.	1	19	Placed on General File	536
Feb.	8	24	Moore AM0237 adopted. Advanced for Review	652
Feb.	9	25	Placed on Select File	656
Feb.	13	27	Advanced for Engrossment	724
Feb.	15	29	Correctly Engrossed	747

Feb. 24 34 Final Reading 46-0-3 866
Feb. 24 34 President signed 870
Feb. 24 34 Presented to Governor (2/24) 875
Mar. 3 39 Approved by Governor (3/1) 959

LEGISLATIVE BILL 264. By Conway, Chizek

Jan. 9 3 Read first time 118
Jan. 10 4 Referred to Committee on Education 170
Jan. 17 8 Notice of hearing (1/24) 253
Feb. 1 19 Indefinitely postponed 542

LEGISLATIVE BILL 265. By Chizek

Jan. 9 3 Read first time 118
Jan. 10 4 Referred to Committee on Judiciary 170
Jan. 19 10 Notice of hearing (2/2) 321
Feb. 6 22 Placed on General File 603
Feb. 14 28 Chizek AM0258 printed 739
Feb. 24 34 Chizek pending AM0258 p. 739
adopted. Advanced for Review 876
Mar. 1 37 Placed on Select File - AM5072 917
Mar. 14 45 AM5072 (E & R) adopted.
Advanced for Engrossment 1142
Mar. 16 47 Correctly Engrossed 1189
Mar. 23 52 Final Reading 38-0-11 1306
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 266. By Conway, Byars

Jan. 9 3 Read first time 118
Jan. 10 4 Referred to Committee on Government,
Military and Veterans Affairs 170
Feb. 1 19 Notice of hearing (3/8) 536
Mar. 16 47 Placed on General File - AM0913 1193

LEGISLATIVE BILL 267. By Abboud, Kristensen

Jan. 9 3 Read first time 125
Jan. 10 4 Referred to Committee on Judiciary 170
Jan. 19 10 Notice of hearing (1/27) 321
Jan. 30 17 Placed on General File 497
Feb. 6 22 Chambers FA21 withdrawn. Chambers FA22

adopted. Advanced for Review 602
Feb. 8 24 Placed on Select File 650
Feb. 13 27 Advanced for Engrossment 722
Feb. 15 29 Correctly Engrossed 747
Feb. 24 34 Final Reading 43-4-2 867
Feb. 24 34 President signed 870
Feb. 24 34 Presented to Governor (2/24) 875
Mar. 3 39 Approved by Governor (3/1) 959

LEGISLATIVE BILL 268. By Baack, Schellpeper, Schmit, Coordsen, Smith, Morrissey, Scofield, Conway, Lamb, Hefner, R. Johnson, Moore, Bernard-Stevens, Elmer, Nelson, Haberman

Jan. 9 3 Read first time 126
Jan. 10 4 Referred to Committee on Appropriations 170
Jan. 12 6 Haberman name added 212
Feb. 2 20 Notice of hearing (2/16) 565

LEGISLATIVE BILL 269. By Wehrbein

Jan. 9 3 Read first time 126
Jan. 10 4 Referred to Committee on Health and Human Services 170
Jan. 27 16 Notice of hearing (3/3) 481

LEGISLATIVE BILL 270. By Schmit, Beyer

Jan. 9 3 Read first time 126
Jan. 10 4 Referred to Committee on Natural Resources 170
Feb. 14 28 Notice of hearing (3/2) 738
Mar. 15 46 Placed on General File - AM0754 1155

LEGISLATIVE BILL 271. By Bernard-Stevens

Jan. 9 3 Read first time 126
Jan. 10 4 Referred to Committee on Natural Resources 170
Jan. 12 6 Notice of hearing (1/19) 200
Jan. 12 6 Haberman name added 212
Feb. 23 33 Indefinitely postponed 841

LEGISLATIVE BILL 272. By Barrett

Jan. 9 3 Read first time 127
Jan. 10 4 Referred to Committee on Banking,

Commerce and Insurance 170
Jan. 13 7 Notice of hearing (1/24) 216
Feb. 23 33 Placed on General File - Com AM0535 849
Mar. 13 44 Banking, Commerce and Insurance Committee priority bill 1108
Mar. 23 52 Landis AM0834 printed separate 1315
Apr. 11 63 Landis AM1174 printed separate 1645
May 11 82 Landis pending AM0834 p. 1315 withdrawn. Committee AM0535 adopted. Landis pending AM1174 p. 1645 adopted. Advanced for Review 2303
May 15 83 Placed on Select File - AM7081 2336
May 16 84 Ashford AM1868 printed 2423
May 18 86 AM7081 (E & R) adopted. Ashford motion to suspend rules and permit consideration of AM1868 prevailed. Ashford pending AM1868 p. 2423 adopted. Advanced for Engrossment .. 2528
May 19 87 Correctly Engrossed 2575
May 19 87 ER6211 change 2576
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 47-0-2 2690
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 272A. By Landis

May 16 84 Read first time. Placed on General File 2427
May 18 86 Advanced for Review 2521
May 18 86 Placed on Select File 2522
May 18 86 Landis-Chambers-McFarland-Warner-Wesely-Hall-Lynch-Labedz-Crosby-Schimek AM1935 printed 2537
May 19 87 Goodrich AM1953 to AM1935 lost. Lamb request for ruling ruled not timely 2571
May 19 87 Landis et al pending AM1935 p. 2537 ruled not germane. Landis motion to suspend rules and permit consideration of AM1935 prevailed. Landis et al pending AM1935 p. 2537 adopted as amended by Lindsay AM1960. Lamb motion to bracket until 1/10/90 withdrawn. Advanced for Engrossment 2580
May 19 87 Correctly Engrossed. ER6218 change 2591
May 23 89 Barrett motion to suspend rules prevailed 2684

May 23 89 Landis motion to bracket until 5/24/89 lost. Landis motion to bracket until 1/3/90 prevailed 2707
May 24 90 Schmit motion to unbracket ruled out of order. Challenge of Chair lost 2756

LEGISLATIVE BILL 273. By Rogers

Jan. 9 3 Read first time 127
Jan. 10 4 Referred to Committee on Health and Human Services 170
Jan. 18 9 Notice of hearing (1/25) 266
Jan. 27 16 Placed on General File - Com AM0082 474
Feb. 2 20 Committee AM0082 adopted. Advanced for Review 560
Feb. 3 21 Placed on Select File - AM5034 578
Feb. 7 23 Rogers AM0231 printed 637
Feb. 13 27 AM5034 (E & R) adopted. Rogers pending AM0231 p. 637 adopted. Advanced for Engrossment 719
Feb. 15 29 Correctly Engrossed. ER6114 change 747
Feb. 24 34 Final Reading 47-0-2 868
Feb. 24 34 President signed 870
Feb. 24 34 Presented to Governor (2/24) 875
Mar. 3 39 Approved by Governor (3/1) 959

LEGISLATIVE BILL 274. By Lamb

Jan. 9 3 Read first time 127
Jan. 10 4 Referred to Committee on Education 170
Jan. 27 16 Notice of hearing (2/28) 478
Mar. 14 45 Indefinitely postponed 1116

LEGISLATIVE BILL 275. By Withem, Bernard-Stevens, Smith, Korshoj, Nelson, Chizek, Lamb, Hartnett

Jan. 9 3 Read first time 127
Jan. 9 3 Robak name added 129
Jan. 10 4 Referred to Committee on Appropriations 170
Jan. 18 9 Withem-Hartnett-Chizek-Bernard Stevens-Lamb-Korshoj-Nelson motion to suspend rules and place on General File laid over 293
Jan. 23 12 Withem et al pending motion p. 293 renewed. Moore FA5 ruled out of order. Moore motion to suspend rules prevailed.

Challenge of Chair prevailed. Withem et al pending motion sustained division of question. Withem et al motion (1) lost. Withem request to withdraw remaining motions. Chambers objected. Challenge of Chair prevailed. Withem et al motions (2), (3), (4) and (5) lost 391
Feb. 2 20 Notice of hearing (2/10) 565

LEGISLATIVE BILL 276. By Byars

Jan. 9 3 Read first time 127
Jan. 10 4 Referred to Committee on Government, Military and Veterans Affairs 170
Feb. 1 19 Notice of hearing (2/24) 535
Mar. 16 47 Placed on General File - Com AM0587 1193

LEGISLATIVE BILL 277. By Withem, Hartnett

Jan. 9 3 Read first time 127
Jan. 10 4 Referred to Committee on Revenue 170
Jan. 11 5 Notice of hearing (1/19) 194
Jan. 11 5 Rogers name added 197
Jan. 11 5 Lynch name added 198
Jan. 24 13 Placed on General File 414
Jan. 25 14 Advanced for Review 444
Jan. 26 15 Placed on Select File 449
Jan. 27 16 Advanced for Engrossment 466
Jan. 30 17 Correctly Engrossed 486
May 18 86 Final Reading 46-0-3 2509
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Returned by Governor without approval (5/23) . 2725

LEGISLATIVE BILL 277A. By Withem

Jan. 27 16 Read first time. Placed on General File 470
Feb. 7 23 Advanced for Review 627
Feb. 8 24 Placed on Select File 651
Feb. 21 31 Advanced for Engrossment 807
Feb. 22 32 Correctly Engrossed 817
May 18 86 Final Reading 45-0-4 2510
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Returned by Governor without approval (5/23) . 2725

LEGISLATIVE BILL 278. By Elmer, Korshoj

Jan. 9 3 Read first time 128
Jan. 10 4 Referred to Committee on Banking, Commerce and Insurance 170
Jan. 27 16 Notice of hearing (2/27) 467
Feb. 28 36 Indefinitely postponed 907

LEGISLATIVE BILL 279. By Landis

Jan. 9 3 Read first time 129
Jan. 10 4 Referred to Committee on Banking, Commerce and Insurance 170
Jan. 13 7 Notice of hearing (1/23) 216
Jan. 25 14 Placed on General File 442
Jan. 30 17 Advanced for Review 486
Jan. 31 18 Placed on Select File 515
Mar. 13 44 Wesely AM0817 printed 1102
Mar. 29 55 Wesely-Landis-Hartnett AM1109 printed separate 1396
Apr. 3 57 Chizek AM1180 printed 1462
Apr. 3 57 Chizek AM1179 printed separate 1463
Apr. 3 57 Wesely-Landis-Hartnett AM1192 printed separate 1464
Apr. 4 58 Wesely request to substitute amendment prevailed. Wesely pending AM0817 p. 1102 withdrawn. Landis motion to suspend rules to permit consideration of AM1192 prevailed. Landis-Wesely-Hartnett substitute AM1192 p. 1464 sustained division of question. Landis-Wesely-Hartnett FA138 (1) adopted. Landis-Wesely-Hartnett FA139 (2) pending. Withem FA140 to FA139 pending 1493
Apr. 18 67 Chizek FA169 printed 1750
Apr. 20 69 Chizek-Wesely AM1439 to FA138 printed 1800
Apr. 25 72 Landis AM1544 printed separate 1912
May 10 81 Haberman AM1008 printed 2289
May 18 86 Chizek AM1903 printed 2547
May 19 87 Withem pending FA140 p. 1500, Landis-Wesely-Hartnett pending AM1109 p. 1396, Chizek pending AM1180 p. 1462, AM1179 p. 1463, FA169 p. 1750 and Landis pending AM1544 p. 1912 withdrawn. Landis-

Wesely-Hartnett pending FA139 p. 1498
and Chizek-Wesely pending AM1439 p. 1800
adopted. Haberman pending AM1008 p. 2289
ruled germane and adopted. Hartnett
request for ruling on AM1008 withdrawn.
Chizek pending AM1903 p. 2547 adopted as
amended by Chizek FA291. Advanced for
Engrossment 2569
May 19 87 Correctly Engrossed 2604
May 19 87 ER6221 change 2605
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 44-0-5 2691
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 280. By Transportation Committee

Jan. 10 4 Read first time 133
Jan. 11 5 Referred to Committee on Transportation 195
Jan. 27 16 Notice of hearing (2/6) 469
Feb. 21 31 Placed on General File - Com AM0393 815
Mar. 13 44 Transportation Committee priority bill 1082
Apr. 3 57 Committee AM0393 adopted.
Advanced for Review 1456
Apr. 7 61 Placed on Select File - AM7039 1582
Apr. 24 71 Smith AM1254 printed 1875
May 2 75 Lamb AM1619 printed 2017
May 11 82 AM7039 (E & R) adopted. Lamb
pending AM1619 p. 2017 and Smith
pending AM1254 p. 1875 adopted.
Advanced for Engrossment 2310
May 15 83 Correctly Engrossed. ER6190 change 2365
May 18 86 Final Reading 48-0-1 2511
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 281. By Transportation Committee

Jan. 10 4 Read first time 133
Jan. 11 5 Referred to Committee on Transportation 195
Jan. 23 12 Notice of hearing (1/30) 397
Feb. 2 20 Placed on General File 559
Feb. 14 28 Chambers motion to indefinitely

postpone lost. Advanced for Review 738
Feb. 14 28 Chambers FA35 printed 739
Feb. 15 29 Placed on Select File 746
Mar. 14 45 Attorney General's Opinion #89014 to Lamb 1116
Mar. 23 52 Chambers pending FA35 p. 739 and Lynch FA98 adopted. Chambers motion to indefinitely postpone lost. Lindsay FA97 lost. Advanced for Engrossment 1312
Mar. 28 54 Correctly Engrossed 1364
Mar. 28 54 ER6143 change 1365
Apr. 3 57 Chambers FA132 (1), FA133 (2), FA134 (3) and FA135 (4) printed 1463

LEGISLATIVE BILL 282. By Transportation Committee

Jan. 10 4 Read first time 134
Jan. 11 5 Referred to Committee on Transportation 195
Jan. 23 12 Notice of hearing (1/30) 397

LEGISLATIVE BILL 283. By Transportation Committee

Jan. 10 4 Read first time 134
Jan. 11 5 Referred to Committee on Transportation 195
Jan. 13 7 Notice of hearing (1/23) 219
Jan. 25 14 Placed on General File 439
Jan. 26 15 Advanced for Review 451
Jan. 27 16 Placed on Select File - AM5023 459
Jan. 31 18 Barrett AM0123 printed 524
Feb. 1 19 AM5023 (E & R) adopted. Barrett pending AM0123 p. 524 adopted. Coordsen AM0166 lost. Advanced for Engrossment 531
Feb. 2 20 Correctly Engrossed 553
Feb. 2 20 ER6108 change 554
May 18 86 Final Reading 47-0-2 2512
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 284. By Transportation Committee

Jan. 10 4 Read first time 134
Jan. 11 5 Referred to Committee on Transportation 195
Jan. 13 7 Notice of hearing (1/23) 219
Jan. 25 14 Placed on General File 439
Jan. 26 15 Advanced for Review 451

Jan.	27	16	Placed on Select File	459
Feb.	1	19	Advanced for Engrossment	532
Feb.	2	20	Correctly Engrossed	553
Mar.	9	43	Final Reading 44-0-5	1036
Mar.	9	43	Speaker signed	1046
Mar.	9	43	Presented to Governor (3/9)	1057
Mar.	15	46	Approved by Governor (3/14)	1149

LEGISLATIVE BILL 284A. By Lamb

Jan.	27	16	Read first time. Placed on General File	470
Feb.	7	23	Advanced for Review	627
Feb.	8	24	Placed on Select File	651
Feb.	13	27	Advanced for Engrossment	723
Feb.	15	29	Correctly Engrossed	747
Mar.	9	43	Final Reading 43-0-6	1036
Mar.	9	43	Speaker signed	1046
Mar.	9	43	Presented to Governor (3/9)	1057
Mar.	15	46	Approved by Governor (3/14)	1149

LEGISLATIVE BILL 285. By Transportation Committee

Jan.	10	4	Read first time	135
Jan.	11	5	Referred to Committee on Transportation	195
Jan.	27	16	Notice of hearing (2/13)	469
Mar.	6	40	Transportation committee priority bill	988
Mar.	7	41	Placed on General File - Com AM0670 (printed separate)	1016
Mar.	9	43	Committee AM0670 adopted. Advanced for Review	1047
Mar.	16	47	Placed on Select File - AM5092 (printed separate)	1175
Mar.	16	47	Lamb AM0925 printed	1190
Mar.	27	53	Lamb AM1043 printed	1342
Apr.	4	58	AM5092 (E & R) adopted. Lamb pending AM0925 p. 1190, AM1043 p. 1342, and FA137 adopted. Advanced for Engrossment	1492
Apr.	11	63	Correctly Engrossed	1649
Apr.	11	63	ER6152 change	1650
Apr.	27	74	Withem-Beyer-Hartnett AM1588 printed	1983
May	4	77	Lamb AM1656 printed	2078
May	10	81	Abboud AM1778 printed	2277
May	15	83	Withem-Beyer-Hartnett pending AM1588 p. 1983 withdrawn. Returned to Select File for Lamb amendment. Lamb pending	

AM1656 p. 2078 adopted. Advanced for Re-Engrossment. Returned to Select File for Beyer et al amendment. Beyer-Withem-Hartnett AM1722 adopted. Advanced for Re-Engrossment. Returned to Select File for Abboud amendment. Abboud pending AM1778 p. 2277 adopted. Advanced for Re-Engrossment 2326
May 16 84 Correctly Re-Engrossed 2413
May 16 84 ER6201 change 2414
May 19 87 Final Reading 36-1-12 2588
May 19 87 Speaker signed 2592
May 19 87 Presented to Governor (5/19) 2606
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 285A. By Lamb

Mar. 13 44 Read first time. Placed on General File 1100
Mar. 20 49 Advanced for Review 1232
Mar. 21 50 Placed on Select File 1257
Mar. 30 56 Lamb AM1121 printed 1408
Apr. 4 58 Lamb pending AM1121 p. 1408 adopted. Advanced for Engrossment 1493
Apr. 11 63 Correctly Engrossed 1649
May 9 80 Lamb AM1754 printed 2202
May 15 83 Returned to Select File for Lamb amendment. Lamb pending AM1754 p. 2202 adopted. Advanced for Re-Engrossment 2328
May 16 84 Correctly Re-Engrossed 2413
May 19 87 Final Reading w/E 34-0-15 2590
May 19 87 Speaker signed 2592
May 19 87 Presented to Governor (5/19) 2606
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 286. By Elmer

Jan. 10 4 Read first time 135
Jan. 11 5 Referred to Committee on Natural Resources 195
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 2 20 Indefinitely postponed 554

LEGISLATIVE BILL 287. By Haberman

Jan. 10 4 Read first time 135

Jan. 11 5 Referred to Committee on Nebraska Retirement Systems 195
Feb. 15 29 Notice of hearing (2/28) 763
Mar. 9 43 Nebraska Retirement Systems Committee priority bill 1044
Mar. 16 47 Placed on General File - Com AM0732 1183

LEGISLATIVE BILL 288. By Hefner

Jan. 10 4 Read first time 136
Jan. 11 5 Referred to Committee on Business and Labor 195
Jan. 26 15 Notice of hearing (2/6) 456
Mar. 13 44 Indefinitely postponed 1069

LEGISLATIVE BILL 289. By Natural Resources Committee

Jan. 10 4 Read first time 138
Jan. 11 5 Referred to Committee on Natural Resources 195
Jan. 31 18 Notice of hearing (2/8) 523
Feb. 3 21 Coordsen name added 597
Mar. 13 44 Natural Resources Committee priority bill 1082
Mar. 14 45 Placed on General File - Com AM0684 1120
Apr. 12 64 Schmit AM1341 to committee amendment printed separate 1656
Apr. 18 67 Lamb AM1385 to AM1341 printed 1760
Apr. 21 70 Committee AM0684 adopted as amended by Schmit pending AM1341 p. 1656. Lamb pending AM1385 p. 1760 withdrawn. Advanced for Review 1842
Apr. 21 70 Kristensen explanation of vote 1845
Apr. 25 72 Placed on Select File - AM7065 1903
May 11 82 Schmit AM1757 printed separate 2293
May 15 83 Landis-Warner-Coordsen AM1824 to AM1757 printed 2390
May 16 84 Schmit AM1883 printed separate 2437
May 18 86 AM7065 (E & R) adopted. Warner AM1818 to pending AM1757 p. 2293 pending 2521
May 18 86 Warner pending AM1818 p. 2522 lost. Ashford motion to reconsider AM1818 prevailed. Schmit pending AM1757 p. 2293 adopted as amended by Warner reconsidered AM1818 p. 2522 and Landis et al pending AM1824 p. 2390. Haberman request if pending

AM1883 is germane. Schmit motion to suspend rules and permit consideration of AM1883 withdrawn. Schmit pending AM1883 p. 2437 withdrawn. Advanced for Engrossment 2524
May 18 86 Correctly Engrossed. ER6212 change 2548
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 44-0-5 2693
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 289A. By Schmit

May 9 80 Read first time. Placed on General File 2231
May 15 83 Advanced for Review 2323
May 15 83 Placed on Select File 2365
May 18 86 Advanced for Engrossment 2526
May 18 86 Schmit AM1912 printed 2536
May 18 86 Correctly Engrossed 2548
May 19 87 Returned to Select File for Schmit amendment. Schmit pending AM1912 p. 2536 adopted. Advanced for Re-Engrossment 2601
May 19 87 Correctly Re-Engrossed 2604
May 22 88 Correction 2614
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 44-0-5 2694
May 23 89 President signed 2696
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 290. By Smith

Jan. 10 4 Read first time 138
Jan. 11 5 Referred to Committee on Health and Human Services 195
Jan. 25 14 Notice of hearing (2/8) 443
Feb. 16 30 Placed on General File - Com AM0384 786

LEGISLATIVE BILL 290A. By Smith

Mar. 8 42 Read first time. Placed on General File 1032

LEGISLATIVE BILL 291. By Wehrbein

Jan. 10 4 Read first time 138
Jan. 11 5 Referred to Committee on Government, Military and Veterans Affairs 195
Feb. 1 19 Notice of hearing (3/17) 536
Mar. 22 51 Indefinitely postponed 1290

LEGISLATIVE BILL 292. By Beyer

Jan. 10 4 Read first time 139
Jan. 11 5 Referred to Committee on Revenue 195
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 293. By Beyer

Jan. 10 4 Read first time 139
Jan. 11 5 Referred to Committee on Natural Resources 195
Jan. 19 10 Notice of hearing (1/26) 308
Mar. 13 44 Indefinitely postponed 1080

LEGISLATIVE BILL 294. By Beyer

Jan. 10 4 Read first time 139
Jan. 11 5 Referred to Committee on Revenue 195
Jan. 19 10 Notice of hearing (1/26) 308
Jan. 30 17 Indefinitely postponed 497

LEGISLATIVE BILL 295. By Abboud

Jan. 10 4 Read first time 139
Jan. 11 5 Referred to Committee on Banking, Commerce and Insurance 195
Jan. 13 7 Notice of hearing (1/23) 216
Jan. 24 13 Placed on General File 414
Jan. 25 14 Advanced for Review 444
Jan. 26 15 Placed on Select File - AM5018 449
Jan. 27 16 AM5018 (E & R) adopted. Advanced for Engrossment 466
Jan. 30 17 Correctly Engrossed 486
Jan. 30 17 ER6107 change 487
Feb. 9 25 Final Reading 46-0-3 666
Feb. 9 25 President signed 674
Feb. 9 25 Presented to Governor (2/9) 682
Feb. 15 29 Approved by Governor (2/14) 748

LEGISLATIVE BILL 296. By Abboud

Jan. 10 4 Read first time 140
Jan. 11 5 Referred to Committee on Banking, Commerce and Insurance 195
Jan. 13 7 Notice of hearing (1/24) 216
Jan. 25 14 Placed on General File 442
Jan. 30 17 Advanced for Review 486
Jan. 31 18 Placed on Select File 515
Feb. 7 23 Advanced for Engrossment 627
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 37-0-12 715
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 297. By Landis

Jan. 10 4 Read first time 140
Jan. 11 5 Referred to Committee on Banking, Commerce and Insurance 195
Jan. 13 7 Notice of hearing (1/23) 216
Jan. 24 13 Indefinitely postponed 414

LEGISLATIVE BILL 298. By Barrett, Warner

Jan. 10 4 Read first time 140
Jan. 11 5 Referred to Committee on General Affairs 195
Jan. 13 7 Notice of hearing (1/23) 235
Jan. 25 14 Placed on General File 441
Jan. 26 15 Haberman AM0005 adopted. Landis FA9 adopted. Pending 454
Jan. 27 16 Moore-Schimek motion to reconsider Haberman AM0005 p. 454 laid over 479
Feb. 1 19 Moore-Schimek pending motion p. 479 prevailed. Haberman AM0005 p. 454 reconsidered and lost. Advanced for Review 534
Feb. 2 20 Placed on Select File 553
Feb. 13 27 Barrett AM0343 printed 721
Feb. 21 31 Barrett pending AM0343 p. 721 adopted. Advanced for Engrossment 797
Feb. 22 32 Correctly Engrossed 817

Feb. 22 32 ER6120 change 818
Mar. 2 38 Final Reading 45-0-4 946
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 299. By Conway

Jan. 10 4 Read first time 140
Jan. 11 5 Referred to Committee on Revenue 195
Jan. 18 9 Notice of hearing (1/25) 257

LEGISLATIVE BILL 300. By Schmit

Jan. 10 4 Read first time 140
Jan. 11 5 Referred to Committee on Health and Human Services 195
Jan. 27 16 Notice of hearing (3/3) 481
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 301. By Speaker Barrett at request of Governor

Jan. 10 4 Read first time 152
Jan. 11 5 Referred to Committee on Appropriations 195
Feb. 2 20 Notice of hearing (by agency) 572
Mar. 9 43 Notice of hearing (3/17) 1048
Apr. 21 70 Placed on General File - Com AM1422 1831
Apr. 26 73 Committee AM1422 adopted. Advanced for Review 1933
Apr. 27 74 Placed on Select File 1966
May 9 80 Advanced for Engrossment 2252
May 11 82 Correctly Engrossed 2317
May 19 87 Final Reading w/E 47-0-2 2557
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor with line-item veto (5/23) 2727
May 24 90 Appropriation Committee report 2731
May 24 90 Communication 2770
May 31 AJ Message from Secretary of State. Certificate 2780

LEGISLATIVE BILL 302. By Speaker Barrett at request of Governor

Jan. 10 4 Read first time 152
Jan. 11 5 Referred to Committee on Appropriations 195

Feb.	2	20	Notice of hearing (by agency)	572
Mar.	9	43	Notice of hearing (3/17)	1048
Apr.	21	70	Placed on General File - Com AM1444	1832
Apr.	26	73	Committee AM1444 adopted. Advanced for Review	1933
Apr.	27	74	Placed on Select File	1966
May	9	80	Advanced for Engrossment	2252
May	11	82	Correctly Engrossed	2317
May	19	87	Final Reading w/E 47-1-1	2557
May	19	87	Speaker signed	2567
May	19	87	Presented to Governor (5/19)	2573
May	24	90	Approved by Governor (5/22)	2722

LEGISLATIVE BILL 303. By Speaker Barrett at request of Governor

Jan.	10	4	Read first time	153
Jan.	11	5	Referred to Committee on Appropriations	195
Feb.	2	20	Notice of hearing (3/1)	572
Feb.	9	25	Notice of hearing (Location announced)	678
Feb.	22	32	Notice of hearing (Room change)	831
Apr.	21	70	Placed on General File	1832
Apr.	26	73	Advanced for Review	1933
Apr.	27	74	Placed on Select File	1968
May	3	76	Baack AM1582 printed	2060
May	8	79	Warner AM1720 printed	2178
May	9	80	Moore AM1774 printed	2257
May	10	81	Baack pending AM1582 p. 2060 and Warner pending AM1720 p. 2178 adopted. Moore pending AM1774 p. 2257 withdrawn. Advanced for Engrossment	2264
May	15	83	Correctly Engrossed. ER6183 change	2320
May	18	86	Final Reading w/E 47-0-2	2513
May	18	86	President signed	2521
May	18	86	Presented to Governor (5/18)	2522
May	24	90	Approved by Governor (5/22)	2720

LEGISLATIVE BILL 303A. By Speaker Barrett at request of Governor

Jan.	17	8	Read first time	244
Jan.	17	8	Barrett motion to suspend rules prevailed. Referred to Committee on Appropriations	245
Apr.	21	70	Placed on General File - Com AM1263 (printed separate)	1832
Apr.	26	73	Committee AM1263 adopted.	

			Advanced for Review	1933
Apr.	27	74	Placed on Select File - AM7066	1968
May	10	81	AM7066 (E & R) adopted. Advanced for Engrossment	2264
May	15	83	Correctly Engrossed	2320
May	15	83	ER6186 change	2322
May	18	86	Final Reading w/E 45-0-4	2514
May	18	86	President signed	2521
May	18	86	Presented to Governor (5/18)	2522
May	24	90	Approved by Governor (5/22)	2720

LEGISLATIVE BILL 304. By Speaker Barrett at request of Governor

Jan.	10	4	Read first time	153
Jan.	11	5	Referred to Committee on Appropriations	195
Feb.	2	20	Notice of hearing (by agency)	572
Mar.	9	43	Notice of hearing (3/17)	1048

LEGISLATIVE BILL 305. By Speaker Barrett at request of Governor

Jan.	10	4	Read first time	153
Jan.	11	5	Referred to Committee on Appropriations	195
Feb.	2	20	Notice of hearing (3/1)	572
Apr.	21	70	Placed on General File	1832
May	10	81	Advanced for Review	2274
May	11	82	Placed on Select File	2312
May	17	85	Chizek-Hall AM1891 lost. Advanced for Engrossment	2441
May	17	85	Correctly Engrossed	2475
May	19	87	Final Reading 35-9-5	2563
May	19	87	Speaker signed	2567
May	19	87	Presented to Governor (5/19)	2573
May	24	90	Approved by Governor (5/22)	2722

LEGISLATIVE BILL 306. By Speaker Barrett at request of Governor

Jan.	10	4	Read first time	153
Jan.	11	5	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	20	11	Notice of hearing (1/27)	367
Feb.	15	29	Indefinitely postponed	748

LEGISLATIVE BILL 307. By Speaker Barrett at request of Governor

Jan.	10	4	Read first time	154

Jan. 11 5 Referred to Committee on Appropriations 195
Feb. 2 20 Notice of hearing (by agency) 572
Mar. 9 43 Notice of hearing (3/17) 1048

LEGISLATIVE BILL 308. By Speaker Barrett at request of Governor

Jan. 10 4 Read first time 154
Jan. 11 5 Referred to Committee on Appropriations 195
Feb. 2 20 Notice of hearing (by agency) 572
Mar. 9 43 Notice of hearing (3/17) 1048
Apr. 21 70 Placed on General File - Com AM1409 1832
Apr. 26 73 Warner FA191 to committee amendment printed 1934
May 9 80 Committee AM1409 adopted as amended by Warner pending FA191 p. 1934 and Hartnett FA246. Advanced for Review 2250
May 11 82 Placed on Select File - AM7072 2302
May 15 83 Warner AM1812 printed 2364
May 17 85 AM7072 (E & R) adopted. Warner pending AM1812 p. 2364 adopted. Advanced for Engrossment 2439
May 17 85 Correctly Engrossed 2488
May 19 87 Final Reading w/E 47-1-1 2558
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor with line-item veto (5/23) 2727
May 24 90 Appropriations Committee Report 2731
May 24 90 Communication 2771
May 31 AJ Message from Secretary of State. Certificate 2776

LEGISLATIVE BILL 309. By Speaker Barrett at request of Governor

Jan. 10 4 Read first time 154
Jan. 11 5 Referred to Committee on Appropriations 195
Feb. 2 20 Notice of hearing (3/1) 572
Feb. 9 25 Notice of hearing (Location announced) 678
Feb. 22 32 Notice of hearing (Room change) 831
Apr. 21 70 Placed on General File - Com AM1442 1837
May 9 80 Committee AM1442 adopted. Advanced for Review 2251
May 11 82 Placed on Select File - AM7075 2311
May 16 84 Hall AM1875 printed 2412
May 17 85 AM7075 (E & R) adopted. Hall motion to suspend rules and permit consideration

of AM1875 prevailed. Hall pending AM1875 p. 2412 adopted. Warner FA272 adopted. Advanced for Engrossment 2440
May 17 85 Correctly Engrossed 2488
May 19 87 Final Reading w/E 47-0-2 2559
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 309A. By Speaker Barrett at request of Governor

Jan. 17 8 Read first time. Barrett motion to suspend rules prevailed. Referred to Committee on Appropriations 245
Apr. 21 70 Placed on General File - Com AM1395 ..... 1838 (printed separate)
May 9 80 Committee AM1395 adopted. Advanced for Review 2251
May 11 82 Placed on Select File - AM7074 2311
May 15 83 Warner AM1790 printed 2363
May 17 85 AM7074 (E & R) adopted. Warner pending AM1790 p. 2363 adopted. Scofield FA273 adopted as amended by Scofield FA274. Advanced for Engrossment 2440
May 17 85 Correctly Engrossed 2488
May 19 87 Final Reading w/E 45-0-4 2560
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 310. By Speaker Barrett at request of Governor

Jan. 10 4 Read first time 154
Jan. 11 5 Referred to Committee on Appropriations 195
Feb. 2 20 Notice of hearing (3/16) 572
Apr. 21 70 Placed on General File - Com AM1450 1839
May 10 81 Committee AM1450 adopted. Advanced for Review 2274
May 11 82 Placed on Select File - AM7073 2312
May 16 84 AM7073 (E & R) adopted. Advanced for Engrossment 2437
May 17 85 Correctly Engrossed 2444
May 19 87 Moore motion to return to Select File for FA290 withdrawn.

Final Reading w/E 45-1-3 2564
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 311. By Landis, Weihing, Schimek

Jan. 10 4 Read first time 155
Jan. 11 5 Referred to Committee on Banking, Commerce and Insurance 195
Jan. 27 16 Notice of hearing (2/6) 466
Feb. 9 25 Placed on General File - Com AM0305 681
Mar. 13 44 Landis priority bill 1083
Mar. 14 45 Committee AM0305 adopted. Advanced for Review 1127
Mar. 20 49 Placed on Select File - AM5096 1225
Apr. 18 67 Attorney General's Opinion #89036 to Scofield . 1754
Apr. 18 67 Scofield AM1144 printed 1764
Apr. 18 67 Scofield AM1145 printed 1765
May 2 75 Landis AM1620 printed 1999
May 2 75 Scofield AM1647 printed 2039
May 2 75 Scofield AM1648 printed 2040
May 2 75 Scofield AM1596 printed 2041
May 9 80 AM5096 (E & R) adopted. Scofield pending AM1144 p. 1764 and AM1145 p. 1765 withdrawn. Landis pending AM1620 p. 1999 adopted. Scofield request to substitute amendment prevailed. Scofield pending AM1647 p. 2039 withdrawn. Scofield substitute AM1769 adopted. Scofield pending AM1648 p. 2040 and AM1596 p. 2041 adopted. Advanced for Engrossment 2204
May 11 82 Correctly Engrossed. ER6181 change 2313
May 16 84 Attorney General's Opinion #89050 to Scofield . 2403
May 16 84 Landis AM1888 printed 2437
May 19 87 Returned to Select File for Landis amendment. Landis pending AM1888 p. 2437 adopted. Advanced for Re-Engrossment 2584
May 19 87 Correctly Re-Engrossed 2591
May 22 88 Correction 2614
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Scofield motion to bracket until 1/3/90 withdrawn. Failed on Final

Reading w/E 23-17-9 2695
May 23 89 Final Reading 25-18-6 2696
May 23 89 Correctly Enrolled 2703
May 23 89 Speaker signed 2707
May 23 89 Presented to Governor (5/23) 2716
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 312. By Withem, Lamb, Moore

Jan. 10 4 Read first time 155
Jan. 11 5 Referred to Committee on Education 195
Jan. 13 7 Notice of hearing (1/23) 217
Jan. 25 14 Placed on General File - Com AM0056 442
Jan. 30 17 Committee AM0056 adopted. Advanced for Review 486
Jan. 31 18 Placed on Select File 515
Feb. 7 23 Advanced for Engrossment 627
Feb. 8 24 Correctly Engrossed 651
Feb. 21 31 Withem AM0270 printed 798
May 15 83 Returned to Select File for Withem amendment. Withem pending AM0270 p. 798 adopted. Advanced for Re-Engrossment 2328
May 15 83 Correctly Re-Engrossed 2385
May 18 86 Final Reading w/E 44-0-5 2514
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522
May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 312A. By Withem

Jan. 27 16 Read first time. Placed on General File 471
Feb. 7 23 Advanced for Review 627
Feb. 8 24 Placed on Select File 651
Feb. 21 31 Advanced for Engrossment 807
Feb. 22 32 Correctly Engrossed. ER6122 change 829
Feb. 23 33 Withem AM0512 printed 860
May 15 83 Returned to Select File for Withem amendment. Withem pending AM0512 p. 860 adopted. Advanced for Re-Engrossment 2328
May 15 83 Correctly Re-Engrossed 2385
May 18 86 Final Reading w/E 43-0-6 2515
May 18 86 President signed 2521
May 18 86 Presented to Governor (5/18) 2522

May 24 90 Approved by Governor (5/22) 2720

LEGISLATIVE BILL 313. By McFarland

Jan. 10 4 Read first time 167
Jan. 11 5 Referred to Committee on Business and Labor 195
Jan. 20 11 Notice of hearing (1/30) 370

LEGISLATIVE BILL 314. By McFarland, Schellpeper

Jan. 10 4 Read first time 167
Jan. 11 5 Referred to Committee on Natural Resources 195
Feb. 8 24 Notice of hearing (2/16) 646
Mar. 14 45 Indefinitely postponed 1126
Mar. 27 53 Attorney General's Opinion #89020 to Dennis Grams, Dept. of Environmental Control 1336

LEGISLATIVE BILL 315. By Lindsay, Hall, Schimek, Labedz

Jan. 10 4 Read first time 168
Jan. 11 5 Referred to Committee on Business and Labor 195
Jan. 20 11 Notice of hearing (1/30) 370
Mar. 13 44 Placed on General File - Com AM0797 1067

LEGISLATIVE BILL 316. By Lindsay, Hall, Schimek, Labedz

Jan. 10 4 Read first time 168
Jan. 11 5 Referred to Committee on Business and Labor 195
Jan. 20 11 Notice of hearing (1/30) 370
Mar. 13 44 Indefinitely postponed 1069

LEGISLATIVE BILL 317. By Schmit

Jan. 10 4 Read first time 168
Jan. 11 5 Referred to Committee on Appropriations 196
Feb. 2 20 Notice of hearing (3/7) 571
Feb. 9 25 Notice of hearing (2/24) (Reset) 678

LEGISLATIVE BILL 318. By Banking, Commerce and Insurance Committee

Jan. 10 4 Read first time 168
Jan. 11 5 Referred to Committee on Banking, Commerce and Insurance 196

Jan. 13 7 Notice of hearing (1/23) 216
Feb. 3 21 Placed on General File - Com AM0191 581
Feb. 16 30 Committee AM0191 adopted.
Advanced for Review 785
Feb. 21 31 Placed on Select File - AM5066 796
Mar. 3 39 AM5066 (E & R) adopted.
Advanced for Engrossment 968
Mar. 6 40 Correctly Engrossed 997
Mar. 9 43 Final Reading 45-0-4 1042
Mar. 9 43 Speaker signed 1046
Mar. 9 43 Presented to Governor (3/9) 1057
Mar. 15 46 Approved by Governor (3/14) 1149

LEGISLATIVE BILL 319. By Banking, Commerce and Insurance Committee

Jan. 10 4 Read first time 168
Jan. 11 5 Referred to Committee on Banking,
Commerce and Insurance 196
Jan. 27 16 Notice of hearing (2/21) 467
Mar. 1 37 Placed on General File - Com AM0657 935
Mar. 13 44 Banking, Commerce and Insurance
Committee priority bill 1108
Mar. 29 55 Landis AM1071 printed 1383
Apr. 3 57 Committee AM0657 adopted. Landis
pending AM1071 p. 1383 adopted.
Advanced for Review 1456
Apr. 10 62 Placed on Select File - AM7049 1615
May 9 80 AM7049 (E & R) adopted.
Advanced for Engrossment 2251
May 15 83 Correctly Engrossed. ER6196 change 2385
May 22 88 Final Reading w/E 45-0-4 2616
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 320. By Banking, Commerce and Insurance Committee

Jan. 10 4 Read first time 169
Jan. 11 5 Correction 175
Jan. 11 5 Referred to Committee on Banking,
Commerce and Insurance 196
Jan. 23 12 Notice of hearing (1/31) 398
Feb. 2 20 Placed on General File - Com AM0192 568

Feb. 15 29 Committee AM0192 adopted.
Advanced for Review 756
Feb. 21 31 Placed on Select File - AM5067 794
Mar. 2 38 AM5067 (E & R) adopted.
Advanced for Engrossment 955
Mar. 6 40 Correctly Engrossed 989
Mar. 9 43 Final Reading 46-0-3 1042
Mar. 9 43 Speaker signed 1046
Mar. 9 43 Presented to Governor (3/9) 1057
Mar. 15 46 Approved by Governor (3/14) 1149

LEGISLATIVE BILL 321. By Banking, Commerce and Insurance Committee

Jan. 10 4 Read first time 169
Jan. 11 5 Referred to Committee on Banking,
Commerce and Insurance 196
Jan. 13 7 Notice of hearing (1/24) 216
Jan. 25 14 Placed on General File 442
Jan. 30 17 Advanced for Review 486
Jan. 31 18 Placed on Select File - AM5025 515
Feb. 7 23 AM5025 (E & R) adopted.
Advanced for Engrossment 627
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 36-0-13 716
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720
Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 322. By Banking, Commerce and Insurance Committee

Jan. 10 4 Read first time 169
Jan. 11 5 Referred to Committee on Banking,
Commerce and Insurance 196
Jan. 13 7 Notice of hearing (1/24) 216
Jan. 25 14 Placed on General File 442
Jan. 30 17 Advanced for Review 486
Jan. 31 18 Placed on Select File 516
Feb. 7 23 Advanced for Engrossment 627
Feb. 8 24 Correctly Engrossed 651
Feb. 13 27 Final Reading 39-0-10 717
Feb. 13 27 President signed 718
Feb. 13 27 Abboud explanation of vote 720

Feb. 13 27 Presented to Governor (2/13) 727
Feb. 21 31 Approved by Governor (2/16) 792

LEGISLATIVE BILL 323. By Landis

Jan. 10 4 Read first time 173
Jan. 11 5 Referred to Committee on Health and Human Services 196
Jan. 27 16 Notice of hearing (2/16) 479
Feb. 28 36 Placed on General File 908
Mar. 30 56 Advanced for Review 1412
Apr. 6 60 Placed on Select File - AM7023 1535
Apr. 7 61 AM7023 (E & R) adopted. Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 12 64 ER6158 change 1672
May 4 77 Landis AM1654 printed 2104
May 8 79 Attorney General's Opinion #89046 to Landis ... 2167
May 15 83 Returned to Select File for Landis amendment. Landis pending AM1654 p. 2104 adopted. Advanced for Re-Engrossment 2330
May 15 83 Correctly Re-Engrossed 2385
May 15 83 ER6199 change 2386
May 22 88 Final Reading 45-0-4 2617
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 324. By Conway

Jan. 11 5 Read first time 176
Jan. 12 6 Referred to Committee on Government, Military and Veterans Affairs 210
Feb. 1 19 Notice of hearing (3/2) 536
Mar. 7 41 Placed on General File 1009
Mar. 30 56 Advanced for Review 1414
Apr. 6 60 Placed on Select File 1536
Apr. 7 61 Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 19 68 Final Reading 44-0-5 1771
Apr. 19 68 Speaker signed 1775
Apr. 19 68 Presented to Governor (4/19) 1778
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 325. By Hefner

Jan.	11	5	Read first time	176
Jan.	12	6	Referred to Committee on Natural Resources	210
Jan.	12	6	R. Johnson and Morrissey names added	212
Jan.	13	7	Nelson name added	239
Feb.	1	19	Notice of hearing (2/9)	531
Feb.	1	19	L. Johnson and Beck names added	549
Feb.	3	21	Smith name added	597
Mar.	13	44	Hefner priority bill	1108
Mar.	15	46	Placed on General File - Com AM0887	1155
Mar.	22	51	Pirsch name added	1291
Apr.	5	59	Schimek name added	1529
Apr.	7	61	Hefner AM0979 (1) to committee amendment printed	1570
Apr.	7	61	Hefner AM1295 (2) and AM0980 (3) to committee amendment printed	1571
Apr.	7	61	Scofield, Peterson, Elmer, and Schellpeper names added	1580
Apr.	11	63	Hall-Haberman AM1322 to committee amendment printed	1634
Apr.	12	64	Hefner AM1349 to committee amendment pending	1665
Apr.	12	64	Hefner pending AM1349 p. 1665 sustained division of question. Committee AM0887 adopted as amended by Hefner FA157 (1) and FA158 (2). Hefner pending AM0979 (1) p. 1570, AM1295 (2) and AM0980 (3) p. 1571 and Hall-Haberman pending AM1322 p. 1634 withdrawn. Advanced for Review	1668
Apr.	12	64	Abboud name added	1672
Apr.	13	65	Lindsay name added	1681
Apr.	17	66	Placed on Select File - AM7056	1730
Apr.	24	71	AM7056 (E & R) adopted. Hefner AM1525 to FA158 adopted. Advanced for Engrossment	1878
Apr.	27	74	Correctly Engrossed	1978
May	4	77	Final Reading 45-0-4	2095
May	4	77	President signed	2099
May	4	77	Presented to Governor (5/4)	2100
May	9	80	Approved by Governor (5/9)	2218

LEGISLATIVE BILL 326. By Landis, Weihing

Jan.	11	5	Read first time	176
Jan.	12	6	Referred to Committee on Banking, Commerce and Insurance	210
Jan.	23	12	Notice of hearing (1/31)	398
Feb.	2	20	Placed on General File - Com AM0171	568
Feb.	15	29	Committee AM0171 adopted. Advanced for Review	757
Feb.	21	31	Placed on Select File - AM5061	795
Mar.	2	38	AM5061 (E & R) adopted. Advanced for Engrossment	955
Mar.	6	40	Correctly Engrossed	989
Mar.	17	48	Final Reading w/E 37-0-12	1199
Mar.	17	48	President signed	1205
Mar.	17	48	Presented to Governor (3/17)	1214
Mar.	21	50	Approved by Governor (3/21)	1259

LEGISLATIVE BILL 327. By Wehrbein

Jan.	11	5	Read first time	176
Jan.	12	6	Referred to Committee on Government, Military and Veterans Affairs	210
Jan.	19	10	Notice of hearing (1/26)	308
Feb.	1	19	Placed on General File - Com AM0132	536
Feb.	9	25	Committee AM0132 adopted. Advanced for Review	674
Feb.	10	26	Placed on Select File - AM5055	684
Feb.	21	31	AM5055 (E & R) adopted. Advanced for Engrossment	807
Feb.	22	32	Correctly Engrossed. ER6121 change	829
Mar.	2	38	Final Reading 44-0-5	946
Mar.	2	38	President signed	950
Mar.	2	38	Presented to Governor (3/2)	956
Mar.	3	41	Approved by Governor (3/6)	1004

LEGISLATIVE BILL 328. By Wehrbein

Jan.	11	5	Read first time	176
Jan.	12	6	Referred to Committee on Judiciary	210
Jan.	27	16	Notice of hearing (2/16)	461

LEGISLATIVE BILL 329. By Landis, Ashford

Jan.	11	5	Read first time	177
Jan.	12	6	Referred to Committee on Revenue	210
Jan.	31	18	Notice of hearing (2/22)	517

Feb. 24 34 Placed on General File - Com AM0567 877

LEGISLATIVE BILL 329A. By Landis

Feb. 28 36 Read first time. Placed on General File 913

LEGISLATIVE BILL 330. By Pirsch

Jan. 11 5 Read first time 179
Jan. 12 6 Referred to Committee on Judiciary 210
Jan. 23 12 Notice of hearing (2/8) 390
Feb. 24 34 Bernard-Stevens name added 878
Mar. 13 44 Pirsch priority bill 1082
Mar. 14 45 Placed on General File - AM0387 1131
Apr. 12 64 Committee AM0387 adopted. Advanced for Review 1655
Apr. 17 66 Placed on Select File - AM7057 1710
Apr. 24 71 AM7057 (E&R) adopted. Pirsch-Bernard-Stevens AM1366 ruled germane and adopted. Chambers FA180 withdrawn. Pending 1865
Apr. 24 71 Chambers FA181 adopted. Scofield motion to suspend rules and consider AM1356 pending 1868
Apr. 24 71 Scofield pending motion p. 1868 withdrawn. Chambers FA182 adopted. Chambers FA183 withdrawn. Wesely AM1523 ruled not germane. Wesely motion to suspend rules and consider AM1523 withdrawn. Scofield motion to suspend rules to consider AM1521 prevailed. Scofield AM1521 and Pirsch FA184 adopted. Advanced for Engrossment 1871
Apr. 26 73 Correctly Engrossed. ER6174 change 1936
May 4 77 Final Reading 41-0-8 2094
May 4 77 Beck explanation of vote. President signed 2099
May 4 77 Presented to Governor (5/4) 2100
May 9 80 Approved by Governor (5/9) 2218

LEGISLATIVE BILL 331. By Kristensen

Jan. 11 5 Read first time 179
Jan. 12 6 Referred to Committee on Judiciary 210
Jan. 30 17 Notice of hearing (2/23) 484

LEGISLATIVE BILL 332. By Kristensen

Jan. 11 5 Read first time 180
Jan. 12 6 Referred to Committee on Revenue 210
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 13 27 Placed on General File - Com AM0276 726
Feb. 16 30 Kristensen AM0419 to committee amendment printed 768

LEGISLATIVE BILL 333. By Ashford, Wehrbein

Jan. 11 5 Read first time 180
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 27 16 Notice of hearing (3/6) 467
Mar. 8 42 Placed on General File - Com AM0746 1028

LEGISLATIVE BILL 334. By Haberman

Jan. 11 5 Read first time 180
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 23 12 Notice of hearing (1/30) 398
Feb. 2 20 Placed on General File - Com AM0193 571
Feb. 15 29 Committee AM0193 adopted. Advanced for Review 757
Feb. 21 31 Placed on Select File - AM5062 796
Mar. 2 38 AM5062 (E & R) adopted. Advanced for Engrossment 955
Mar. 6 40 Correctly Engrossed 989
Mar. 17 48 Final Reading 42-0-7 1200
Mar. 17 48 President signed 1205
Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 335. By Rogers, Korshoj, Morrissey

Jan. 11 5 Read first time 180
Jan. 12 6 Referred to Committee on Revenue 211
Jan. 12 6 Haberman name added 212
Jan. 31 18 Notice of hearing (2/23) 517
Feb. 24 34 Hartnett name added 878
Feb. 27 35 Placed on General File - Com AM0568 887
Mar. 9 43 Korshoj priority bill 1044
Mar. 16 47 Labedz AM0936 to committee amendment printed 1181

Mar. 21 50 Hall AM0745 to committee amendment printed . 1271
Mar. 28 54 Committee AM0568 adopted as amended by Hall pending AM0745 p. 1271. Landis FA125 lost. Labedz pending AM0936 p. 1181 ruled not germane. McFarland motion to indefinitely postpone withdrawn. Advanced for Review 1368
Mar. 30 56 Placed on Select File - AM7003 1399
Apr. 4 58 AM7003 (E & R) adopted. Wesely AM1209 ruled not germane. Challenge of Chair lost. Pending 1478
Apr. 4 58 Wesely motion to suspend rules to permit consideration of Wesely AM1209 lost. Hall FA136 lost. Advanced for Engrossment .. 1488
Apr. 7 61 Correctly Engrossed 1576
May 19 87 Final Reading 44-3-2 2609
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 335A. By Korshoj

Mar. 13 44 Read first time. Placed on General File 1100
Mar. 28 54 Advanced for Review 1373
Mar. 30 56 Placed on Select File 1399
Apr. 4 58 Advanced for Engrossment 1488
Apr. 7 61 Correctly Engrossed 1576
May 19 87 Final Reading 44-3-2 2610
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 336. By Education Committee

Jan. 11 5 Read first time 180
Jan. 12 6 Referred to Committee on Education 211
Jan. 23 12 Notice of hearing (1/30) 402
Feb. 1 19 Placed on General File - Com AM0169 551
Feb. 21 31 Withem AM0350 printed 799
Feb. 27 35 Committee AM0169 and Withem pending AM0350 p. 799 adopted. Advanced for Review 885
Mar. 2 38 Placed on Select File - AM5076 938
Mar. 13 44 Withem AM0815 printed 1083
Mar. 14 45 AM5076 (E & R) adopted. Withem

pending AM0815 p. 1083 adopted as amended by Scofield FA66. Advanced for Engrossment 1143
Mar. 17 48 Correctly Engrossed 1206
Mar. 17 48 ER6134 change 1207
Apr. 18 67 Withem AM1405 printed 1739
May 15 83 Returned to Select File for Withem amendment. Withem pending AM1405 p. 1739 adopted. Advanced for Re-Engrossment 2329
May 15 83 Correctly Re-Engrossed 2385
May 15 83 ER6192 change 2387
May 22 88 Final Reading w/E 43-0-6 2628
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May. 31 AJ Returned by Governor without approval (5/26) . 2793

LEGISLATIVE BILL 337. By Education Committee

Jan. 11 5 Read first time 181
Jan. 12 6 Referred to Committee on Education 211
Jan. 24 13 Notice of hearing (1/31) 415

LEGISLATIVE BILL 338. By Health and Human Services Committee

Jan. 11 5 Read first time 181
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 18 9 Notice of hearing (1/27) 266
Jan. 30 17 Placed on General File 499
Feb. 6 22 Haberman motion to indefinitely postpone lost 604
Feb. 7 23 Labedz AM0183 and Smith AM0260 printed 638
Feb. 8 24 Labedz pending AM0183 and Smith pending AM0260 p. 638 adopted. Smith FA26 adopted. Advanced for Review 643
Feb. 9 25 Placed on Select File - AM5045 654
Feb. 13 27 AM5045 (E & R) adopted. Advanced for Engrossment 723
Feb. 15 29 Correctly Engrossed 747

LEGISLATIVE BILL 338A. By Wesely

Feb. 3 21 Read first time. Placed on General File 590
Mar. 20 49 Failed to advance for Review 1232

LEGISLATIVE BILL 339. By Schmit

Jan. 11 5 Read first time 181
Jan. 12 6 Referred to Committee on Natural Resources 211
Jan. 27 16 Notice of hearing (2/3) 468
Feb. 22 32 Placed on General File - Com AM0496 831
Mar. 15 46 Coordsen AM0916 printed 1160

LEGISLATIVE BILL 340. By Chambers

Jan. 11 5 Read first time 181
Jan. 12 6 Referred to Committee on Government, Military and Veterans Affairs 211
Jan. 18 9 Notice of hearing (1/25) 257
Feb. 3 21 Placed on General File - Com AM0212 595
Feb. 13 27 Warner AM0319 printed 727
Mar. 1 37 Committee AM0212 adopted. Warner pending AM0319 p. 727 withdrawn. Warner AM0614 lost. Pending 924
Mar. 1 37 Advanced for Review 929
Mar. 3 39 Placed on Select File - AM5080 (printed separate) 975
Mar. 6 40 Chambers FA54 printed 1000
Mar. 13 44 Baack AM0838 to AM5080 printed 1093
Mar. 13 44 Baack AM0837 and AM0840 to AM5080 printed 1095
Mar. 14 45 Conway AM0888 to AM5080 printed 1146
Mar. 14 45 Conway AM0883 to AM5080 printed 1147
Mar. 15 46 Goodrich AM0904 to AM5080 printed 1167
Mar. 15 46 Wesely AM0912 to AM5080 printed 1169
Mar. 21 50 Bernard-Stevens AM0612 printed 1260
Mar. 23 52 AM5080 (E&R) adopted. Bernard-Stevens pending AM0612 p. 1260 adopted. Warner motion to reconsider AM0612 withdrawn. Chambers pending FA54 p. 1000 adopted. Baack pending AM0838 p. 1093 sustained division of question. Baack FA99 (1) to AM5080 adopted. Baack FA100 (2) withdrawn 1321
Mar. 23 52 Baack pending AM0837 p. 1095, Conway pending AM0888 p. 1146 and pending AM0883 p. 1147 adopted. Baack pending AM0840 p. 1095 withdrawn. Goodrich pending AM0904 p. 1167 sustained division of question. Goodrich FA101 (1)

withdrawn. Goodrich FA102 (2) lost. Chambers FA103 lost 1325
Mar. 27 53 Wesely pending AM0912 p. 1169 sustained division of question - FA104 (1) and FA106 (2) withdrawn. Wesely FA105 lost. Warner request to substitute amendment prevailed. Warner pending FA107 withdrawn. Warner FA108 lost. Warner FA109 to AM5080 and FA110 adopted. Wesely AM1061 withdrawn. Bernard-Stevens-Baack-Chambers-Landis AM1064 to AM5080 adopted. Advanced for Engrossment 1342
Apr. 3 57 Correctly Engrossed 1457
Apr. 3 57 ER6148 change 1458
Apr. 27 74 Attorney General's Opinion #89041 to Weihing . 1981
May 18 86 Wehrbein-R. Johnson AM1933 printed 2527
May 18 87 Wehrbein motion to return to Select File for AM1933 withdrawn 2584
May 19 87 Final Reading 30-16-3 2611
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 340A. By Chambers

Mar. 16 47 Read first time. Placed on General File 1179
Mar. 20 49 Advanced for Review 1233
Mar. 21 50 Placed on Select File 1258
Mar. 27 53 Warner AM1096 withdrawn. Landis FA111 adopted. Advanced for Engrossment 1349
Apr. 3 57 Correctly Engrossed 1457
Apr. 27 74 Chambers AM1543 printed 1967
May 15 83 Returned to Select File for Chambers amendment. Chambers pending AM1543 p. 1967 adopted. Advanced for Re-Engrossment 2329
May 15 83 Correctly Re-Engrossed 2385
May 19 87 Final Reading w/E 36-11-2 2612
May 19 87 Speaker signed 2613
May 22 88 Presented to Governor (5/19) 2614
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 341. By Pirsch

Jan. 11 5 Read first time 183
Jan. 12 6 Referred to Committee on Judiciary 211
Jan. 23 12 Pirsch motion to rerefer to Government, Military and Veterans Affairs Committee laid over 402
Jan. 24 13 Pirsch pending motion p. 402 prevailed. Rereferred to Government, Military and Veterans Affairs 412
Jan. 25 14 Notice of hearing (2/3) 447
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 342. By Health and Human Services Committee

Jan. 11 5 Read first time 183
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 18 9 Notice of hearing (1/26) 266
Jan. 30 17 Placed on General File - Com AM0106 491
Feb. 2 20 Committee AM0106 adopted. Advanced for Review 566
Feb. 3 21 Placed on Select File - AM5036 593
Feb. 9 25 AM5036 (E & R) adopted. Advanced for Engrossment 677
Feb. 13 27 Correctly Engrossed 705
Feb. 13 27 ER6112 change 706
Feb. 23 33 Final Reading w/E 42-0-7 844
Feb. 23 33 Speaker signed 847
Feb. 23 33 Presented to Governor (2/23) 857
Feb. 27 35 Approved by Governor (2/24) 880

LEGISLATIVE BILL 343. By Health and Human Services Committee

Jan. 11 5 Read first time 184
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 25 14 Notice of hearing (2/9) 443
Mar. 20 49 Placed on General File - Com AM0956 1230

LEGISLATIVE BILL 343A. By Wesely

Mar. 22 51 Read first time. Placed on General File 1286

LEGISLATIVE BILL 344. By Health and Human Services Committee

Jan. 11 5 Read first time 184

Jan. 12 6 Referred to Committee on Health and Human Services ... 211
Jan. 18 9 Notice of hearing (1/26) ... 266
Jan. 30 17 Placed on General File - Com AM0110 ... 491
Feb. 2 20 Committee AM0110 adopted. Wesely AM0157 adopted (printed separate). Advanced for Review ... 566
Feb. 3 21 Placed on Select File - AM5037 ... 594
Feb. 13 27 AM5037 (E & R) adopted. Kristensen FA33 withdrawn. Advanced for Engrossment ... 719
Feb. 15 29 Correctly Engrossed ... 750
Feb. 15 29 ER6117 change ... 751
Feb. 24 34 Final Reading w/E 46-0-3 ... 869
Feb. 24 34 President signed ... 870
Feb. 24 34 Presented to Governor (2/24) ... 875
Mar. 3 39 Approved by Governor (3/1) ... 959

LEGISLATIVE BILL 345. By Health and Human Services Committee

Jan. 11 5 Read first time ... 184
Jan. 12 6 Referred to Committee on Judiciary ... 211
Jan. 30 17 Notice of hearing (3/1) ... 484
Mar. 13 44 Indefinitely postponed ... 1081

LEGISLATIVE BILL 346. By Hall, Labedz, Rogers, Dierks, Lynch, Schmit, Lindsay, Beck, Langford, Crosby

Jan. 11 5 Read first time ... 185
Jan. 12 6 Referred to Committee on Revenue ... 211
Jan. 31 18 Notice of hearing (2/22) ... 517
Feb. 24 34 Placed on General File ... 877
Mar. 13 44 Attorney General's Opinion #89012 to Hefner ... 1069

LEGISLATIVE BILL 346A. By Hall

Mar. 3 39 Read first time. Placed on General File ... 983

LEGISLATIVE BILL 347. By Rogers, Peterson, Lamb, Dierks

Jan. 11 5 Read first time ... 185
Jan. 12 6 Referred to Committee on Transportation ... 211
Jan. 27 16 Notice of hearing (3/7) ... 470

LEGISLATIVE BILL 348. By Langford

Jan. 11 5 Read first time 185
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 27 16 Notice of hearing (3/8) 481
Apr. 3 57 Placed on General File - AM0747 1444

LEGISLATIVE BILL 349. By Conway

Jan. 11 5 Read first time 185
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 23 12 Notice of hearing (1/30) 398
Feb. 1 19 Placed on General File - Com AM0150 542
Feb. 9 25 Committee AM0150 adopted. Advanced for Review 676
Feb. 10 26 Placed on Select File - AM5054 685
Feb. 21 31 AM5054 (E & R) adopted. Advanced for Engrossment 808
Feb. 22 32 Correctly Engrossed 829
Mar. 2 38 Final Reading 43-0-6 947
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 350. By Goodrich

Jan. 11 5 Read first time 185
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 23 12 Notice of hearing (1/30) 398
Feb. 9 25 Placed on General File - Com AM0290 681

LEGISLATIVE BILL 350A. By Goodrich

Feb. 14 28 Read first time. Placed on General File 743

LEGISLATIVE BILL 351. By Ashford, Hall

Jan. 11 5 Read first time 186
Jan. 12 6 Referred to Committee on Judiciary 211
Jan. 27 16 Notice of hearing (2/15) 460
Feb. 21 31 Indefinitely postponed 799

LEGISLATIVE BILL 352. By Abboud

Jan.	11	5	Read first time	186
Jan.	12	6	Referred to Committee on Government, Military and Veterans Affairs	211
Jan.	25	14	Notice of hearing (2/3)	446
Feb.	16	30	Placed on General File - Com AM0376	779
Mar.	14	45	Speaker Barrett priority bill	1144
May	9	80	Committee AM0376 adopted. Advanced for Review	2202
May	10	81	Placed on Select File	2276
May	18	86	Advanced for Engrossment	2529
May	18	86	Correctly Engrossed	2548
May	22	88	Barrett motion to suspend rules prevailed	2664
May	22	88	Final Reading w/E 49-0-0	2668
May	22	88	President signed	2672
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Approved by Governor (5/25)	2775

LEGISLATIVE BILL 353. By Wesely

Jan.	11	5	Read first time	186
Jan.	12	6	Referred to Committee on Health and Human Services	211
Jan.	18	9	Notice of hearing (1/26)	266
Jan.	27	16	Placed on General File	474
Jan.	31	18	Advanced for Review	521
Feb.	1	19	Placed on Select File	528
Feb.	7	23	Advanced for Engrossment	632
Feb.	8	24	Correctly Engrossed	651
Feb.	13	27	Final Reading 38-0-11	717
Feb.	13	27	President signed	718
Feb.	13	27	Abboud explanation of vote	720
Feb.	13	27	Presented to Governor (2/13)	727
Feb.	21	31	Approved by Governor (2/16)	792

LEGISLATIVE BILL 354. By Wesely

Jan.	11	5	Read first time	186
Jan.	12	6	Referred to Committee on Health and Human Services	211
Jan.	25	14	Notice of hearing (2/1)	442
Feb.	2	20	Placed on General File	571
Feb.	15	29	Advanced for Review	757
Feb.	21	31	Placed on Select File	796
Mar.	2	38	Advanced for Engrossment	956
Mar.	6	40	Correctly Engrossed	989

May 22 88 Final Reading 27-17-5 2618
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May. 31 AJ Returned by Governor without approval (5/26) . 2795

LEGISLATIVE BILL 354A. By Wesely

Feb. 7 23 Read first time. Placed on General File 634
Feb. 15 29 Wesely AM0367 adopted.
Advanced for Review 758
Feb. 21 31 Placed on Select File 796
Mar. 2 38 Advanced for Engrossment 956
Mar. 6 40 Correctly Engrossed 989
Mar. 6 40 ER6128 change 990
May 22 88 Final Reading 31-13-5 2619
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May. 31 AJ Returned by Governor without approval (5/26) . 2795

LEGISLATIVE BILL 355. By Wesely

Jan. 11 5 Read first time 186
Jan. 12 6 Referred to Committee on Health and
Human Services 211
Jan. 25 14 Notice of hearing (2/9) 443
Feb. 28 36 Placed on General File - Com AM0555 909
Apr. 5 59 Wesely AM1143 to committee
amendment printed 1501
May 9 80 Wesely pending AM1143 p. 1501 withdrawn.
Committee AM0555 adopted as amended
by Wesely AM1440. Advanced for Review 2202
May 18 86 AM7069 (E & R) adopted.
Advanced for Engrossment 2530
May 10 81 Placed on Select File - AM7069 2276
May 19 87 Correctly Engrossed 2567
May 19 87 ER6215 change 2568
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 41-0-8 2697
May 23 89 Speaker signed 2707
May 23 89 Presented to Governor (5/23) 2716
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 355A. By Wesely

Apr.	20	69	Read first time. Placed on General File	1803
May	9	80	Advanced for Review	2204
May	10	81	Placed on Select File	2277
May	16	84	Wesely AM1876 printed	2411
May	18	86	Wesely pending AM1876 p. 2411 adopted. Advanced for Engrossment	2530
May	19	87	Correctly Engrossed	2567
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Final Reading w/E 44-0-5	2698
May	23	89	Speaker signed	2707
May	23	89	Presented to Governor (5/23)	2716
May	31	AJ	Approved by Governor (5/26)	2787

LEGISLATIVE BILL 356. By Landis, McFarland, Crosby, Hall, Labedz, Wesely, R. Johnson, Lynch, Schimek, Chambers, Ashford, Schmit, Warner

Jan.	11	5	Read first time	187
Jan.	12	6	Referred to Committee on Banking, Commerce and Insurance	211
Jan.	17	8	Morrissey name added	252
Jan.	27	16	Notice of hearing (2/13)	466
Feb.	24	34	Placed on General File - Com AM0532	870
Mar.	13	44	Crosby priority bill	1069
Apr.	10	62	Committee AM0532 lost. Failed to advance for Review	1596
Apr.	10	62	Conway FA149 printed	1599
Apr.	27	74	Landis AM1585 printed	1983
May	18	86	Attorney General's Opinion #89051 to Weihing	2516

LEGISLATIVE BILL 357. By Nelson, Smith, Schellpeper, Coordsen

Jan.	11	5	Read first time	187
Jan.	12	6	Referred to Committee on Education	211
Jan.	17	8	Notice of hearing (1/24)	253
Jan.	18	9	Crosby name added	258
Jan.	31	18	Placed on General File - Com AM0135	523
Feb.	2	20	Nelson FA18 printed	559
Feb.	8	24	Committee AM0135 adopted. Nelson pending FA18 p. 559 adopted. Withem motion to indefinitely postpone withdrawn. Bracketed until 2/22/89	647
Feb.	22	32	Nelson AM0514 printed	830
Feb.	22	32	Schellpeper AM0517 printed	836
Feb.	23	33	Nelson pending AM0514 p. 830 adopted.	

			Schellpeper pending AM0517 p. 836 pending	858
Feb.	24	34	Schellpeper pending AM0517 p. 836 withdrawn. Advanced for Review	874
Feb.	28	36	Placed on Select File - AM5070	912
Mar.	9	43	Schellpeper-Nelson AM0751 printed separate	1049
Mar.	13	44	Schellpeper AM0859 to AM0751 printed	1105
Mar.	14	45	AM5070 (E & R) adopted. Schellpeper-Nelson pending AM0751 p. 1049, Schellpeper pending AM0859 p. 1105 and Wesely FA64 adopted. Advanced for Engrossment	1128
Mar.	16	47	Correctly Engrossed. ER6133 change	1189
May	15	83	Nelson-Schellpeper AM1858 printed	2381
May	19	87	Returned to Select File for Nelson-Schellpeper amendment. Nelson-Schellpeper pending AM1858 p. 2381 adopted. Advanced for Re-Engrossment	2585
May	19	87	Correctly Re-Engrossed	2591
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Final Reading 33-14-2	2699
May	23	89	Speaker signed	2707
May	23	89	Presented to Governor (5/23)	2716
May	31	AJ	Returned by Governor without approval (5/26)	2792

LEGISLATIVE BILL 357A. By Nelson

Feb.	6	22	Read first time. Placed on General File	605
Feb.	24	34	Advanced for Review	874
Feb.	28	36	Placed on Select File	913
Mar.	14	45	Nelson AM0846 and FA65 adopted. Advanced for Engrossment	1128
Mar.	16	47	Correctly Engrossed	1189
Mar.	16	47	ER6132 change	1190
May	15	83	Nelson-Schellpeper AM1172 printed	2376
May	19	87	Returned to Select File for Nelson-Schellpeper amendment. Nelson-Schellpeper pending AM1172 p. 2376 adopted. Advanced for Re-Engrossment	2585
May	19	87	Correctly Re-Engrossed	2591
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Final Reading w/E 34-13-2	2699
May	23	89	Speaker signed	2707
May	23	89	Presented to Governor (5/23)	2716

May 31 AJ Returned by Governor without approval (5/26) . 2792

LEGISLATIVE BILL 358. By Wesely

Jan. 11 5 Read first time 188
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 27 16 Notice of hearing (2/7) 466
Feb. 8 24 Indefinitely postponed 646

LEGISLATIVE BILL 359. By Wesely

Jan. 11 5 Read first time 188
Jan. 12 6 Referred to Committee on Banking, Commerce and Insurance 211
Jan. 27 16 Notice of hearing (2/7) 466
Feb. 8 24 Placed on General File 646
Mar. 30 56 Warner motion to indefinitely postpone pending 1401

LEGISLATIVE BILL 360. By Wesely, Smith

Jan. 11 5 Read first time 188
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 25 14 Notice of hearing (2/2) 442
Feb. 3 21 Placed on General File 595
Feb. 24 34 Advanced for Review 875
Feb. 28 36 Schellpeper AM0598 printed 893
Mar. 1 37 Placed on Select File - AM5071 917
Mar. 3 39 AM5071 (E & R) adopted. Schellpeper pending AM0598 p. 893 adopted. Advanced for Engrossment 973
Mar. 7 41 Correctly Engrossed 1002
Mar. 7 41 ER6130 change 1003
May 22 88 Final Reading 42-0-7 2620
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2791

LEGISLATIVE BILL 360A. By Wesely

Feb. 9 25 Read first time. Placed on General File 675
Feb. 24 34 Advanced for Review 875
Mar. 1 37 Placed on Select File 917

Mar. 3 39 Advanced for Engrossment 973
Mar. 7 41 Correctly Engrossed 1002
May 22 88 Final Reading 41-0-8 2621
May 22 88 Speaker signed 2623
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2791

LEGISLATIVE BILL 361. By Landis, Warner, Wehrbein, Schellpeper, Hefner, L. Johnson, Coordsen, Lamb, Moore, Elmer, Hall

Jan. 11 5 Read first time 188
Jan. 11 5 Landis-Wehrbein AM0004 printed 196
Jan. 12 6 Referred to Committee on Revenue 211
Jan. 13 7 R. Johnson name added 238
Jan. 25 14 Notice of hearing (2/2) 425
Feb. 10 26 Placed on General File - Com AM0326 700
Feb. 22 32 Landis AM0490 to committee amendment printed 830
Feb. 23 33 Committee AM0326 adopted as amended by Landis pending AM0490 p. 830. Landis-Wehrbein pending AM0004 p. 196 withdrawn. Advanced for Review 848
Feb. 27 35 Placed on Select File - AM5068 (printed separate) 882
Feb. 27 35 Landis AM0578 printed 884
Mar. 16 47 Landis AM0931 printed 1180
Apr. 5 59 AM5068 (E & R) adopted. Landis pending AM0931 p. 1180 withdrawn. Landis AM1208 adopted as amended by Schmit FA141. Landis AM1217 and pending AM0578 p. 884 adopted. Advanced for Engrossment 1519
Apr. 11 63 Correctly Engrossed 1649
Apr. 11 63 ER6153 change 1652
Apr. 18 67 Landis motion to suspend rules and permit consideration on Final Reading printed 1750
Apr. 24 71 Landis pending motion p. 1750 prevailed. Final Reading w/E 41-1-7 1861
Apr. 24 71 President signed 1865
Apr. 24 71 Presented to Governor (4/24) 1868
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 361A. By Landis

Feb.	14	28	Read first time. Placed on General File	743
Feb.	23	33	Advanced for Review	848
Feb.	27	35	Placed on Select File	883
Apr.	5	59	Advanced for Engrossment	1521
Apr.	11	63	Correctly Engrossed	1649
Apr.	18	67	Landis motion to suspend rules and permit consideration on Final Reading printed	1750
Apr.	24	71	Landis pending motion p. 1750 prevailed	1861
Apr.	24	71	Final Reading w/E 41-1-7	1862
Apr.	24	71	President signed	1865
Apr.	24	71	Presented to Governor (4/24)	1868
Apr.	26	73	Approved by Governor (4/26)	1935

LEGISLATIVE BILL 362. By Wesely, Withem, Ashford

Jan.	11	5	Read first time	189
Jan.	12	6	Referred to Committee on Health and Human Services	211
Jan.	25	14	Notice of hearing (2/1)	442
Feb.	2	20	Placed on General File	571
Feb.	16	30	Advanced for Review	784
Feb.	21	31	Placed on Select File	796
Mar.	3	39	Smith AM0450 adopted. Advanced for Engrossment	967
Mar.	6	40	Correctly Engrossed	997
May	17	85	Ashford AM1785 printed	2482
May	19	87	Returned to Select File for Ashford amendment. Ashford pending AM1785 p. 2482 withdrawn. Re-advanced for Final Reading	2585
May	19	87	Returned to Select File for Wesely amendment. Wesely AM1676 adopted. Advanced for Re-Engrossment	2586
May	19	87	Correctly Re-Engrossed	2604
May	23	89	Barrett motion to suspend rules prevailed	2684
May	23	89	Final Reading 48-0-1	2700
May	23	89	Speaker signed	2707
May	23	89	Presented to Governor (5/23)	2716
May	31	AJ	Approved by Governor (5/26)	2787

LEGISLATIVE BILL 362A. By Wesely

Feb.	7	23	Read first time. Placed on General File	634
Feb.	16	30	Advanced for Review	785
Feb.	21	31	Placed on Select File	796

Mar. 3 39 Wesely AM0698 adopted.
Advanced for Engrossment 967
Mar. 6 40 Correctly Engrossed 997
May 19 87 Returned to Select File for Wesely amendment. Wesely AM1713 adopted.
Advanced for Re-Engrossment 2588
May 19 87 Correctly Re-Engrossed 2604
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading 46-0-3 2701
May 23 89 Speaker signed 2707
May 23 89 Presented to Governor (5/23) 2716
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 363. By Wesely

Jan. 11 5 Read first time 189
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 25 14 Notice of hearing (2/3) 443
Feb. 16 30 Placed on General File - Com AM0179 786

LEGISLATIVE BILL 364. By Natural Resources Committee

Jan. 11 5 Read first time 189
Jan. 12 6 Referred to Committee on Natural Resources 211
Feb. 14 28 Notice of hearing (3/1) 738

LEGISLATIVE BILL 365. By Labedz, Lynch, Hall, Chizek, Pirsch, Abboud

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Agriculture 211
Jan. 13 7 Notice of hearing (1/24) 235
Feb. 16 30 Labedz motion to withdraw laid over 779
Feb. 21 31 Labedz motion p. 779 prevailed.
Withdrawn 794

LEGISLATIVE BILL 366. By Lynch

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Health and Human Services 211
Jan. 18 9 Notice of hearing (1/25) 266
Jan. 27 16 Placed on General File - Com AM0083 477
Feb. 2 20 Committee AM0083 adopted.

Advanced for Review 561
Feb. 3 21 Placed on Select File 578
Feb. 9 25 Advanced for Engrossment 677
Feb. 10 26 Correctly Engrossed 700
Feb. 16 30 Final Reading 36-0-13 774
Feb. 16 30 Speaker signed 777
Feb. 16 30 Presented to Governor (2/16) 789
Feb. 22 32 Approved by Governor (2/21) 819

LEGISLATIVE BILL 367. By Lynch

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Business and Labor 211
Jan. 26 15 Notice of hearing (2/6) 456
Mar. 22 51 Placed on General File - AM0773 1287

LEGISLATIVE BILL 368. By Lamb

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Judiciary 211
Jan. 30 17 Notice of hearing (3/15) 485
Feb. 15 29 Lamb motion to withdraw laid over 748
Feb. 21 31 Lamb pending motion p. 748 prevailed.
Withdrawn 794
Feb. 22 32 Notice of hearing (3/15) (Cancel) 834

LEGISLATIVE BILL 369. By Lamb

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Transportation 211
Jan. 27 16 Notice of hearing (2/7) 469
Feb. 8 24 Placed on General File - Com AM0272 651

LEGISLATIVE BILL 370. By Elmer

Jan. 11 5 Read first time 190
Jan. 12 6 Referred to Committee on Education 211
Jan. 27 16 Notice of hearing (2/28) 478
Mar. 14 45 Indefinitely postponed 1116

LEGISLATIVE BILL 371. By Ashford

Jan. 11 5 Read first time 191
Jan. 12 6 Referred to Committee on General Affairs 211
Jan. 30 17 Notice of hearing (2/6) 490

Feb. 22 32 Placed on General File - Com AM0451 834
Mar. 9 43 Haberman priority bill 1035
Mar. 21 50 Committee AM0451 adopted. Hall motion to indefinitely postpone lost. Hall FA82 lost. Hall FA83 pending 1261
Mar. 21 50 Hall pending FA83 p. 1261 lost. Pending 1262
Mar. 21 50 Hall FA84, FA85, FA86, FA87 and FA88 lost. Chambers FA89 lost. Advanced for Review 1268
Mar. 22 51 Withem AM1013 printed 1303
Mar. 27 53 Placed on Select File - AM7002 1330
Mar. 30 56 Hall AM1153 printed 1416
Apr. 3 57 AM7002 (E & R) adopted. Withem pending AM1013 p. 1303 withdrawn. Hall pending AM1153 p. 1416 adopted. Advanced for Engrossment 1446
Apr. 6 60 Correctly Engrossed. ER6150 change 1539
Apr. 11 63 Final Reading w/E 40-1-8 1630
Apr. 11 63 Speaker signed 1635
Apr. 11 63 Presented to Governor (4/11) 1637
Apr. 17 66 Approved by Governor (4/17) 1736

LEGISLATIVE BILL 372. By Chizek, Pirsch

Jan. 11 5 Read first time 191
Jan. 12 6 Referred to Committee on Judiciary 211
Jan. 27 16 Notice of hearing (2/15) 460
Feb. 21 31 Placed on General File 799
Mar. 30 56 Advanced for Review 1410
Apr. 3 57 Placed on Select File - AM7026 1443
Apr. 7 61 AM7026 (E & R) adopted. Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
Apr. 11 63 ER6156 change 1652
Apr. 17 66 Final Reading 42-0-7 1714
Apr. 17 66 Speaker signed 1718
Apr. 17 66 Presented to Governor (4/17) 1720
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 373. By Withem

Jan. 11 5 Read first time 191
Jan. 12 6 Referred to Committee on Transportation 211
Jan. 27 16 Notice of hearing (2/28) 469
Mar. 16 47 Placed on General File - Com AM0934 1187

LEGISLATIVE BILL 374. By Goodrich, Lynch

Jan. 12 6 Read first time 200
Jan. 13 7 Referred to Committee on Health and Human Services 221
Jan. 18 9 Peterson name added 294
Jan. 27 16 Notice of hearing (3/9) 481

LEGISLATIVE BILL 375. By Hannibal, Wesely, Bernard-Stevens

Jan. 12 6 Read first time 201
Jan. 13 7 Referred to Committee on Revenue 221
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 376. By Kristensen

Jan. 12 6 Read first time 201
Jan. 13 7 Referred to Committee on Health and Human Services 221
Jan. 27 16 Notice of hearing (2/24) 481

LEGISLATIVE BILL 377. By Kristensen

Jan. 12 6 Read first time 201
Jan. 13 7 Referred to Committee on Judiciary 221
Jan. 30 17 Notice of hearing (3/3) 485
Mar. 13 44 Placed on General File 1081
Mar. 13 44 Judiciary Committee priority bill 1108
May 11 82 Advanced for Review 2305
May 15 83 Placed on Select File 2337
May 15 83 R. Johnson AM1820 printed separate 2355
May 17 85 Weihing AM1904 printed 2483
May 17 85 Lynch AM1885 printed 2484
May 18 86 R. Johnson pending AM1820 p. 2355, Weihing pending AM1904 p. 2483 and Lynch pending AM1885 p. 2484 withdrawn. R. Johnson motion to suspend rules and permit consideration of AM1937 prevailed. R. Johnson-Weihing-Kristensen-Lynch AM1937 (on file) adopted. Advanced for Engrossment 2529
May 19 87 Correctly Engrossed. ER6213 change 2574
May 23 89 Barrett motion to suspend rules prevailed 2684

May 23 89 Final Reading 48-0-1 2702
May 23 89 Speaker signed 2707
May 23 89 Presented to Governor (5/23) 2716
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 378. By Schellpeper, Dierks

Jan. 12 6 Read first time 201
Jan. 13 7 Referred to Committee on Health and Human Services 221
Jan. 17 8 Correction 240
Jan. 18 9 Notice of hearing (1/27) 266
Jan. 30 17 Placed on General File - Com AM0121 499
Feb. 8 24 Committee AM0121 adopted. Advanced for Review 645
Feb. 9 25 Placed on Select File - AM5046 655
Feb. 13 27 AM5046 (E & R) adopted. Advanced for Engrossment 723
Feb. 15 29 Correctly Engrossed 747
May 22 88 Final Reading 30-11-8 2621
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2791

LEGISLATIVE BILL 378A. By Schellpeper

Feb. 3 21 Read first time. Placed on General File 590
Mar. 20 49 Advanced for Review 1233
Mar. 21 50 Placed on Select File 1258
Mar. 23 52 Advanced for Engrossment 1328
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading 35-5-9 2622
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2791

LEGISLATIVE BILL 379. By Harnett

Jan. 12 6 Read first time 201
Jan. 13 7 Referred to Committee on Education 221
Jan. 27 16 Notice of hearing (2/6) 477
Feb. 7 23 Placed on General File 625
Mar. 8 41 Advanced for Review 1029
Mar. 13 44 Placed on Select File 1064
Mar. 22 51 Advanced for Engrossment 1302

Mar.	28	54	Correctly Engrossed	1364
Mar.	28	54	Attorney General's Opinion #89023 to Hartnett	1370
Apr.	5	59	Final Reading 35-0-14	1515
Apr.	5	59	President signed	1517
Apr.	5	59	Presented to Governor (4/5)	1522
Apr.	10	62	Approved by Governor (4/10)	1600

LEGISLATIVE BILL 380. By Wesely

Jan.	12	6	Read first time	201
Jan.	13	7	Referred to Committee on Banking, Commerce and Insurance	221
Jan.	27	16	Notice of hearing (2/21)	467
Mar.	1	37	Placed on General File - Com AM0637	933

LEGISLATIVE BILL 381. By R. Johnson

Jan.	12	6	Read first time	202
Jan.	13	7	Referred to Committee on Agriculture	221
Jan.	27	16	Notice of hearing (2/21)	479
Mar.	1	37	Placed on General File	930
Mar.	30	56	Advanced for Review	1412
Apr.	6	60	Placed on Select File	1535
Apr.	7	61	Advanced for Engrossment	1575
Apr.	12	64	Correctly Engrossed	1671
Apr.	19	68	Final Reading 44-0-5	1772
Apr.	19	68	Speaker signed	1775
Apr.	19	68	Presented to Governor (4/19)	1778
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 382. By Withem

Jan.	12	6	Read first time	202
Jan.	13	7	Referred to Committee on Government, Military and Veterans Affairs	221
Jan.	25	14	Notice of hearing (2/2)	446
Feb.	15	29	Indefinitely postponed	748

LEGISLATIVE BILL 383. By Natural Resources Committee

Jan.	12	6	Read first time	202
Jan.	13	7	Referred to Committee on Natural Resources	221
Feb.	14	28	Notice of hearing (3/1)	738

LEGISLATIVE BILL 384. By Natural Resources Committee

Jan. 12 6 Read first time 203
Jan. 13 7 Referred to Committee on Natural Resources 221
Feb. 14 28 Notice of hearing (3/1) 738

LEGISLATIVE BILL 385. By Natural Resources Committee

Jan. 12 6 Read first time 203
Jan. 13 7 Referred to Committee on Natural Resources 221
Feb. 14 28 Notice of hearing (3/1) 738

LEGISLATIVE BILL 386. By Baack

Jan. 12 6 Read first time 203
Jan. 13 7 Referred to Committee on Education 221
Jan. 27 16 Notice of hearing (2/13) 477
Feb. 28 36 Indefinitely postponed 907

LEGISLATIVE BILL 387. By L. Johnson, Weihing, Baack, Dierks

Jan. 12 6 Read first time 203
Jan. 13 7 Referred to Committee on Natural Resources 221
Jan. 26 15 Notice of hearing (2/2) 450
Mar. 13 44 Indefinitely postponed 1080

LEGISLATIVE BILL 388. By Haberman

Jan. 12 6 Read first time 203
Jan. 13 7 Referred to Committee on Nebraska Retirement Systems 221
Jan. 18 9 Notice of hearing (1/25) 257
Feb. 7 23 Placed on General File 635
Mar. 8 42 Advanced for Review 1029
Mar. 13 44 Placed on Select File 1064
Mar. 22 51 Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading 42-0-7 2623
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2792

LEGISLATIVE BILL 389. By Haberman

Jan. 12 6 Read first time 206
Jan. 13 7 Referred to Committee on Government,

Military and Veterans Affairs 221
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 1 19 Indefinitely postponed 537

LEGISLATIVE BILL 390. By Conway

Jan. 12 6 Read first time 206
Jan. 13 7 Referred to Committee on Revenue 221
Jan. 30 17 Notice of hearing (2/10) 499
Mar. 6 40 Indefinitely postponed 998

LEGISLATIVE BILL 391. By Conway

Jan. 12 6 Read first time 206
Jan. 13 7 Referred to Committee on Banking, Commerce and Insurance 221
Jan. 23 12 Notice of hearing (1/30) 398
Jan. 31 18 Placed on General File - Com AM0112 518
Feb. 8 24 Committee AM0112 adopted. Advanced for Review 645
Feb. 9 25 Placed on Select File - AM5047 655
Feb. 13 27 AM5047 (E & R) adopted. Advanced for Engrossment 724
Feb. 15 29 Correctly Engrossed. ER6116 change 747
Mar. 2 38 Final Reading 43-0-6 939
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 392. By Baack

Jan. 12 6 Read first time 207
Jan. 13 7 Referred to Committee on Education 221
Jan. 27 16 Notice of hearing (2/13) 477
Feb. 28 36 Placed on General File 896
Mar. 30 56 Advanced for Review 1412
Apr. 4 58 Placed on Select File - AM7025 1489
Apr. 7 61 AM7025 (E & R) adopted. Advanced for Engrossment 1574
Apr. 12 64 Correctly Engrossed. ER6157 change 1667
Apr. 19 68 Final Reading 40-2-7 1773
Apr. 19 68 Speaker signed 1775
Apr. 19 68 Presented to Governor (4/19) 1778
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 393. By Baack, Ashford

Jan.	12	6	Read first time	207
Jan.	13	7	Referred to Committee on Education	222
Jan.	27	16	Notice of hearing (2/13)	477

LEGISLATIVE BILL 394. By Schimek, Weihing, Lindsay, Schellpeper

Jan.	12	6	Read first time	207
Jan.	13	7	Referred to Committee on Transportation	222
Jan.	27	16	Notice of hearing (2/28)	469

LEGISLATIVE BILL 395. By Peterson, Schellpeper, Dierks, Hefner, Korshoj, Conway

Jan.	12	6	Read first time	207
Jan.	13	7	Referred to Committee on Education	222
Jan.	23	12	L. Johnson name added	403
Jan.	27	16	Notice of hearing (2/14)	477
Feb.	28	36	Placed on General File	896
Mar.	13	44	Peterson priority bill	1082
Mar.	28	54	Advanced for Review	1374
Mar.	30	56	Placed on Select File	1399
Apr.	4	58	Advanced for Engrossment	1491
Apr.	7	61	Correctly Engrossed	1576
Apr.	17	66	Final Reading 33-4-12	1711
Apr.	17	66	Speaker signed	1718
Apr.	17	66	Presented to Governor (4/17)	1720
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 396. By Conway, Ashford

Jan.	12	6	Read first time	207
Jan.	13	7	Referred to Committee on Judiciary	222
Jan.	30	17	Notice of hearing (3/15)	485
Mar.	21	50	Indefinitely postponed	1263

LEGISLATIVE BILL 397. By Chambers, Dierks

Jan.	12	6	Read first time	207
Jan.	13	7	Referred to Committee on Judiciary	222
Jan.	23	12	Notice of hearing (2/2)	390
Feb.	6	22	Placed on General File	603
Feb.	24	34	Advanced for Review	876

Mar.	1	37	Placed on Select File	917
Mar.	3	39	Kristensen motion to bracket until 3/13 withdrawn. Failed to advance for Engrossment	973
Apr.	5	59	Attorney General's Opinion #89028 to Chambers	1507
Apr.	5	59	Chambers FA142 printed	1522
Apr.	10	62	Chambers FA150 printed	1602
Apr.	17	66	Schmit AM1390 printed	1721

LEGISLATIVE BILL 398. By Scofield

Jan.	12	6	Read first time	208
Jan.	13	7	Referred to Committee on Education	222
Jan.	23	12	Notice of hearing (1/30)	402
Jan.	31	18	Placed on General File	520
Feb.	8	24	Advanced for Review	645
Feb.	9	25	Placed on Select File	655
Feb.	13	27	Advanced for Engrossment	724
Feb.	15	29	Correctly Engrossed	747
Mar.	2	38	Final Reading 46-0-3	940
Mar.	2	38	President signed	950
Mar.	2	38	Presented to Governor (3/2)	956
Mar.	7	41	Approved by Governor (3/6)	1004

LEGISLATIVE BILL 399. By Pirsch

Jan.	12	6	Read first time	208
Jan.	13	7	Referred to Committee on Judiciary	222
Jan.	23	12	Notice of hearing (2/10)	390
Feb.	21	31	Placed on General File	799
Mar.	30	56	Advanced for Review	1410
Mar.	30	56	Chambers FA126 (1) and FA127 (2) printed	1421
Apr.	3	57	Placed on Select File - AM7015	1443

LEGISLATIVE BILL 400. By McFarland

Jan.	12	6	Read first time	208
Jan.	13	7	Referred to Committee on Judiciary	222
Jan.	27	16	Notice of hearing (2/16)	461
Feb.	21	31	Indefinitely postponed	800

LEGISLATIVE BILL 401. By McFarland

Jan.	12	6	Read first time	208

Jan. 13 7 Referred to Committee on Judiciary 222
Jan. 27 16 Notice of hearing (2/16) 461
Feb. 21 31 Placed on General File 799
Mar. 30 56 Advanced for Review 1411
Apr. 3 57 Placed on Select File 1443
Apr. 7 61 Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
Apr. 17 66 Final Reading 43-0-6 1715
Apr. 17 66 Speaker signed 1718
Apr. 17 66 Presented to Governor (4/17) 1720
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 402. By McFarland

Jan. 12 6 Read first time 208
Jan. 13 7 Referred to Committee on Government, Military and Veterans Affairs 222
Feb. 1 19 Notice of hearing (3/1) 536
Mar. 7 41 Indefinitely postponed 1009

LEGISLATIVE BILL 403. By Wesely

Jan. 12 6 Read first time 209
Jan. 13 7 Referred to Committee on Revenue 222
Feb. 6 22 Notice of hearing (3/15) 604
Mar. 23 52 Indefinitely postponed 1324

LEGISLATIVE BILL 404. By Wesely

Jan. 12 6 Read first time 209
Jan. 13 7 Referred to Committee on Revenue 222
Feb. 6 22 Notice of hearing (3/15) 604
Mar. 23 52 Indefinitely postponed 1324

LEGISLATIVE BILL 405. By Wesely

Jan. 12 6 Read first time 209
Jan. 13 7 Referred to Committee on Revenue 222
Feb. 6 22 Notice of hearing (3/8) 604
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 406. By Wesely

Jan. 12 6 Read first time 209
Jan. 13 7 Referred to Committee on Revenue 222

Feb. 6 22 Notice of hearing (3/8) 604
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 407. By Bernard-Stevens

Jan. 12 6 Read first time 210
Jan. 13 7 Referred to Committee on Business and Labor 222
Jan. 26 15 Notice of hearing (2/13) 456
Mar. 6 40 Placed on General File - Com AM0351 986

LEGISLATIVE BILL 408. By Barrett, Hefner, Schimek

Jan. 12 6 Read first time 210
Jan. 13 7 Referred to Committee on Government, Military and Veterans Affairs 222
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 1 19 Placed on General File - Com AM0131 537
Feb. 9 25 Committee AM0131 adopted. Advanced for Review 674
Feb. 10 26 Placed on Select File - AM5052 684
Feb. 10 26 Barrett AM0306 printed 692
Feb. 16 30 Barrett AM0424 and AM0425 printed 778
Feb. 21 31 Barrett AM0434 printed 797
Mar. 2 38 AM5052 (E & R) adopted. Barrett pending AM0306 p. 692, AM0425 p. 778 and AM0434 p. 797 adopted. Barrett pending AM0424 p. 778 withdrawn. Advanced for Engrossment 950
Mar. 3 39 Correctly Engrossed. ER6127 change 982
May 22 88 Final Reading 35-8-6 2624
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 408A. By Barrett

Feb. 14 28 Read first time. Placed on General File 743
Mar. 20 49 Advanced for Review 1233
Mar. 21 50 Placed on Select File 1258
Mar. 23 52 Advanced for Engrossment 1328
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading 38-7-4 2625
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 409. By Barrett, Hefner

Jan.	12	6	Read first time	213
Jan.	13	7	Referred to Committee on Government, Military and Veterans Affairs	222
Feb.	1	19	Notice of hearing (3/3)	536
Mar.	14	45	Speaker Barrett priority bill	1144
Mar.	22	51	Placed on General File	1288

LEGISLATIVE BILL 410. By Business and Labor Committee

Jan.	13	7	Read first time	226
Jan.	17	8	Referred to Committee on Business and Labor	252
Jan.	26	15	Notice of hearing (2/6)	456
Feb.	7	23	Placed on General File	637
Mar.	20	49	Advanced for Review	1234
Mar.	21	50	Placed on Select File	1259
Mar.	23	52	Hall AM0757 printed	1318
Mar.	27	53	Hall pending AM0757 p. 1318 withdrawn. Advanced for Engrossment	1362
Apr.	3	57	Correctly Engrossed	1457
Apr.	6	60	Final Reading 38-0-11	1541
Apr.	6	60	President signed	1546
Apr.	6	60	Presented to Governor (4/6)	1554
Apr.	10	62	Approved by Governor (4/10)	1600

LEGISLATIVE BILL 411. By Business and Labor Committee

Jan.	13	7	Read first time	227
Jan.	17	8	Referred to Committee on Business and Labor	252
Jan.	26	15	Notice of hearing (3/6)	456
Mar.	13	44	Indefinitely postponed	1069

LEGISLATIVE BILL 412. By Business and Labor Committee

Jan.	13	7	Read first time	227
Jan.	17	8	Referred to Committee on Business and Labor	252
Jan.	20	11	Notice of hearing (1/30)	370
Feb.	1	19	Placed on General File - Com AM0148	542
Feb.	9	25	Committee AM0148 adopted. Advanced for Review	674
Feb.	10	26	Placed on Select File	685
Feb.	21	31	Advanced for Engrossment	808
Feb.	22	32	Correctly Engrossed	829

May 22 88 Final Reading w/E 46-0-3 2626
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 412A. By Coordsen

Feb. 3 21 Read first time. Placed on General File 590
Mar. 20 49 Advanced for Review 1234
Mar. 21 50 Placed on Select File 1259
Mar. 23 52 Advanced for Engrossment 1328
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading w/E 45-0-4 2627
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 413. By Business and Labor Committee

Jan. 13 7 Read first time 227
Jan. 17 8 Referred to Committee on Business and Labor 252
Jan. 26 15 Notice of hearing (2/6) 456
Feb. 7 23 Indefinitely postponed 612

LEGISLATIVE BILL 414. By Business and Labor Committee

Jan. 13 7 Read first time 227
Jan. 17 8 Referred to Committee on Business and Labor 252
Jan. 26 15 Notice of hearing (2/6) 456
Feb. 7 23 Placed on General File 637
Mar. 20 49 Advanced for Review 1234
Mar. 21 50 Placed on Select File 1259
Mar. 27 53 Advanced for Engrossment 1362
Apr. 3 57 Correctly Engrossed 1457
Apr. 5 59 Hall AM1220 printed 1522
Apr. 6 60 Hall motion to return to Select File. Hall pending AM1220 p. 1522 ruled not germane. Hall motion to suspend rules and permit consideration of Hall AM1220 lost 1542
Apr. 6 60 Final Reading 39-0-10 1543
Apr. 6 60 President signed 1546
Apr. 6 60 Presented to Governor (4/6) 1554
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 415. By Coordsen, Hefner, Pirsch

Jan.	13	7	Read first time	227
Jan.	17	8	Referred to Committee on Business and Labor	252
Jan.	26	15	Notice of hearing (2/13)	456
Jan.	27	16	Pirsch name withdrawn	480
Mar.	13	44	Placed on General File - Com AM0809	1101

LEGISLATIVE BILL 416. By Robak

Jan.	13	7	Read first time	228
Jan.	17	8	Referred to Committee on Transportation	252
Jan.	23	12	Notice of hearing (1/31)	397
Feb.	2	20	Placed on General File	559
Feb.	14	28	Advanced for Review	743
Feb.	15	29	Placed on Select File - AM5057	746
Feb.	21	31	AM5057 (E & R) adopted. Advanced for Engrossment	808
Feb.	22	32	Correctly Engrossed. ER6123 change	829
Mar.	2	38	Final Reading 38-3-8	948
Mar.	2	38	President signed	950
Mar.	2	38	Presented to Governor (3/2)	956
Mar.	7	41	Approved by Governor (3/6)	1004

LEGISLATIVE BILL 417. By Robak

Jan.	13	7	Read first time	228
Jan.	17	8	Referred to Committee on Transportation	252
Jan.	23	12	Notice of hearing (1/30)	397
Feb.	2	20	Indefinitely postponed	559

LEGISLATIVE BILL 418. By Haberman

Jan.	13	7	Read first time	228
Jan.	17	8	Referred to Committee on Nebraska Retirement Systems	252
Jan.	24	13	Notice of hearing (1/31)	415
Feb.	7	23	Placed on General File - Com AM0086	635
Mar.	8	42	Committee AM0086 adopted. Advanced for Review	1030
Mar.	13	44	Placed on Select File	1065
Mar.	22	51	Advanced for Engrossment	1302
Mar.	28	54	Correctly Engrossed	1364
Apr.	5	59	Final Reading 36-0-13	1516
Apr.	5	59	President signed	1517

Apr. 5 59 Presented to Governor (4/5) 1522
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 419. By Bernard-Stevens, Scofield, Moore, Hartnett, Withem

Jan. 13 7 Read first time 228
Jan. 17 8 Referred to Committee on Business and Labor 252
Jan. 26 15 Notice of hearing (2/27) 456
Mar. 6 40 Indefinitely postponed 987

LEGISLATIVE BILL 420. By Bernard-Stevens

Jan. 13 7 Read first time 228
Jan. 17 8 Referred to Committee on Judiciary 252
Jan. 30 17 Notice of hearing (3/17) 485
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 421. By Smith

Jan. 13 7 Read first time 229
Jan. 17 8 Referred to Committee on Urban Affairs 252
Jan. 24 13 Notice of hearing (1/31) 415
Jan. 30 17 Smith AM0133 printed 500
Feb. 2 20 Placed on General File - Com AM0181 562
Feb. 9 25 Smith AM0240 to committee amendment printed 676
Feb. 14 28 Hartnett AM0365 to committee amendment printed 744
Feb. 15 29 Smith pending AM0133 p. 500 withdrawn. Committee AM0181 adopted as amended by Smith pending AM0240 p. 676 and Hartnett pending AM0365 p. 744. Advanced for Review 755
Feb. 16 30 Placed on Select File - AM5059 766
Mar. 2 38 AM5059 (E & R) adopted. Smith AM0650 (printed separate) adopted. Advanced for Engrossment 954
Mar. 2 38 Abboud name added 957
Mar. 6 40 Correctly Engrossed 989
Mar. 6 40 ER6124 change 990
Mar. 16 47 Smith AM0932 printed 1191
Mar. 17 48 Returned to Select File for Smith amendment. Smith pending AM0932 p. 1191 adopted. Advanced for Re-Engrossment 1201

Mar. 20 49 Correctly Re-Engrossed 1228
Mar. 23 52 Final Reading 43-0-6 1311
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 422. By Abboud, Byars, Ashford, Goodrich, Dierks, Crosby, Beck, Lynch, Schellpeper

Jan. 13 7 Read first time 229
Jan. 17 8 Referred to Committee on Health and Human Services 252
Jan. 27 16 Notice of hearing (3/2) 481
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 17 48 Placed on General File 1196

LEGISLATIVE BILL 423. By Landis

Jan. 13 7 Read first time 229
Jan. 17 8 Referred to Committee on Banking, Commerce and Insurance 252
Jan. 27 16 Notice of hearing (2/28) 467
Mar. 1 37 Placed on General File 933
Mar. 30 56 Advanced for Review 1413
Apr. 6 60 Placed on Select File 1535
Apr. 7 61 Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 17 66 Landis AM1398 printed 1737
May 15 83 Returned to Select File for Landis amendment. Landis pending AM1398 p. 1737 adopted. Advanced for Re-Engrossment 2330
May 15 83 Correctly Re-Engrossed 2385
May 22 88 Final Reading 48-0-1 2628
May 22 88 Speaker signed 2629
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 424. By Landis

Jan. 13 7 Read first time 229
Jan. 17 8 Referred to Committee on Transportation 252
Jan. 27 16 Notice of hearing (2/14) 469
Mar. 13 44 Placed on General File - Com AM0656 1077

LEGISLATIVE BILL 425. By Baack

Jan. 13 7 Read first time 230
Jan. 17 8 Referred to Committee on Health and Human Services 252
Jan. 27 16 Notice of hearing (2/24) 481
Mar. 7 41 Indefinitely postponed 1012

LEGISLATIVE BILL 426. By Baack

Jan. 13 7 Read first time 230
Jan. 17 8 Referred to Committee on Revenue 252
Jan. 19 10 Notice of hearing (1/26) 308
Feb. 10 26 Placed on General File - Com AM0088 702
Mar. 1 37 Labedz AM0620 and AM0621 printed 928

LEGISLATIVE BILL 427. By Baack

Jan. 13 7 Read first time 230
Jan. 17 8 Referred to Committee on Education 252
Jan. 27 16 Notice of hearing (3/14) 478
Mar. 15 46 Indefinitely postponed 1157

LEGISLATIVE BILL 428. By Bernard-Stevens, Schimek, Wesely

Jan. 13 7 Read first time 230
Jan. 17 8 Referred to Committee on Appropriations 252
Feb. 2 20 Notice of hearing (2/16) 565

LEGISLATIVE BILL 429. By Baack, Elmer, Schellpeper, Labedz, Hall

Jan. 13 7 Read first time 230
Jan. 17 8 Referred to Committee on Health and Human Services 252
Jan. 27 16 Notice of hearing (2/23) 479
Mar. 9 43 Elmer priority bill 1057
Mar. 17 48 Placed on General File - Com AM0664 1196
Apr. 7 61 Baack-Elmer-Hall-Schellpeper AM1215 to committee amendment printed 1585
Apr. 11 63 Wesely AM1246 printed 1648
Apr. 13 65 Committee AM0664 adopted as amended by Baack et al pending AM1215 p. 1585. Wesely pending AM1246 p. 1648 pending 1680
Apr. 13 65 Wesely pending AM1246 p. 1648 and

FA161 lost. Wesely AM1244, AM1269, and AM1309 withdrawn. Wesely AM1268 ruled not germane. Pending 1682
Apr. 13 65 Advanced for Review. Abboud AM0722 printed 1699
Apr. 13 65 Wesely AM1360 printed 1705
Apr. 20 69 Placed on Select File - AM7061 1819
Apr. 24 71 Lindsay FA186 printed 1890
Apr. 25 72 Wesely AM1547 (1) printed 1916
Apr. 25 72 Wesely AM1548 (2) printed 1917
Apr. 25 72 Wesely AM1539 (3) printed 1918
Apr. 25 72 Wesely AM1517 (4) and AM1513 (5) printed 1919
Apr. 25 72 Wesely AM1309 (6) printed 1924
Apr. 25 72 Wesely AM1538 (7) printed 1925
Apr. 26 73 AM7061 (E & R) adopted. Abboud pending AM0722 p. 1699 withdrawn. Wesely pending AM1360 p. 1705 adopted. Lindsay pending FA186 p. 1890 lost. Pending 1949
Apr. 26 73 Wesely pending AM1547 (1) p. 1916 sustained division of question. Wesely FA196 (1) and FA197 (2) lost. Wesely pending AM1548 (2) p. 1917, AM1539 (3) p. 1918 and AM1517 (4) p. 1919 withdrawn. Wesely pending AM1513 (5) p. 1919 lost. Wesely pending AM1309 (6) p. 1924 and AM1538 (7) p. 1925 withdrawn. Wesely AM1597 adopted. Advanced for Engrossment 1957
May 2 75 Correctly Engrossed. ER6179 change 2028
May 17 85 Moore-Lindsay motion to return to Select File for FA281 lost. Wesely motion to return to Select File for FA282 withdrawn 2489
May 17 85 Final Reading 37-10-2 2490
May 17 85 Speaker signed 2491
May 17 85 Presented to Governor (5/17) 2494
May 19 87 Approved by Governor (5/19) 2573

LEGISLATIVE BILL 430. By Wesely

Jan. 13 7 Read first time 231
Jan. 17 8 Referred to Committee on Appropriations 252
Feb. 2 20 Notice of hearing (2/16) 565

LEGISLATIVE BILL 431. By Wesely

Jan.	13	7	Read first time	231
Jan.	17	8	Referred to Committee on Banking, Commerce and Insurance	252
Jan.	27	16	Notice of hearing (2/6)	466
Feb.	7	23	Placed on General File	637
Mar.	13	44	Wesely priority bill	1108
Mar.	14	45	Advanced for Review	1126
Mar.	16	47	Placed on Select File - AM5093	1189
Mar.	30	56	Wehrbein AM0983 printed	1409
Apr.	3	57	AM5093 (E & R) adopted. Wehrbein pending AM0983 p. 1409 and Wesely FA131 adopted. Failed to advance for Engrossment	1444

LEGISLATIVE BILL 431A. By Wesely

Feb.	9	25	Read first time. Placed on General File	675
Mar.	14	45	Advanced for Review	1127
Mar.	16	47	Placed on Select File	1189

LEGISLATIVE BILL 432. By Wesely, Korshoj, McFarland

Jan.	13	7	Read first time	231
Jan.	17	8	Referred to Committee on Government, Military and Veterans Affairs	252
Feb.	1	19	Notice of hearing (2/8)	535
Mar.	9	43	Indefinitely postponed	1049
Mar.	14	45	Wesely motion to place on General File laid over	1148
Mar.	20	49	Wesely pending motion p. 1148 to place on General File withdrawn	1218

LEGISLATIVE BILL 433. By Wesely, Korshoj

Jan.	13	7	Read first time	231
Jan.	17	8	Referred to Committee on Revenue	252
Jan.	25	14	Notice of hearing (2/1)	425
Feb.	13	27	Indefinitely postponed	726
Feb.	16	30	Wesely motion to place on General File laid over	769
Feb.	27	35	Wesely pending motion p. 769 to place on General File lost	881

LEGISLATIVE BILL 434. By Schimek, Smith

Jan. 13 7 Read first time 232
Jan. 17 8 Referred to Committee on Transportation 252
Jan. 27 16 Notice of hearing (3/6) 470
Mar. 13 44 Indefinitely postponed 1080

LEGISLATIVE BILL 435. By Conway, Baack, R. Johnson, Moore, Bernard-Stevens

Jan. 13 7 Read first time 232
Jan. 17 8 Referred to Committee on Government, Military and Veterans Affairs 253
Feb. 1 19 Notice of hearing (2/9) 535

LEGISLATIVE BILL 436. By Hall

Jan. 13 7 Read first time 232
Jan. 17 8 Referred to Committee on Revenue 253
Jan. 31 18 Notice of hearing (2/24) 518
Feb. 27 35 Indefinitely postponed 891

LEGISLATIVE BILL 437. By McFarland

Jan. 13 7 Read first time 232
Jan. 17 8 Referred to Committee on Revenue 253
Jan. 31 18 Notice of hearing (2/23) 517
Feb. 24 34 Placed on General File 877
Mar. 13 44 McFarland priority bill 1069
Mar. 20 49 Wesely AM0969 printed 1219
Mar. 23 52 McFarland AM1052 printed 1324
Mar. 28 54 McFarland pending AM1052 p. 1324 adopted. Wesely pending AM0969 p. 1219 and Schmit FA124 withdrawn. Failed to advance for Review 1366
Mar. 28 54 Kristensen explanation of vote 1370
Mar. 28 54 Hartnett AM1070 printed 1372

LEGISLATIVE BILL 437A. By McFarland

Feb. 28 36 Read first time. Placed on General File 913

LEGISLATIVE BILL 438. By Wehrbein, Hall

Jan. 13 7 Read first time 232

Jan.	17	8	Morrissey name added	252
Jan.	17	8	Referred to Committee on Education	253
Jan.	27	16	Notice of hearing (2/27)	478
Mar.	9	43	Placed on General File	1045
Mar.	13	44	Wehrbein priority bill	1082
Mar.	29	55	Chambers name added. Baack AM1129 adopted. Advanced for Review	1391
Apr.	3	57	Placed on Select File - AM7008	1438
Apr.	19	68	AM7008 (E & R) adopted. Advanced for Engrossment	1795
Apr.	25	72	Correctly Engrossed	1899
Apr.	25	72	ER6170 change	1900
May	22	88	Final Reading 36-10-3	2629
May	22	88	President signed	2644
May	22	88	Presented to Governor (5/22)	2648
May	31	AJ	Returned by Governor without approval (5/26)	2795

LEGISLATIVE BILL 438A. By Wehrbein, Hall

Mar.	15	46	Read first time. Placed on General File	1161
Mar.	29	55	Advanced for Review	1393
Apr.	3	57	Placed on Select File	1440
Apr.	19	68	Advanced for Engrossment	1795
Apr.	25	72	Correctly Engrossed	1899
May	22	88	Final Reading 37-10-2	2630
May	22	88	President signed	2644
May	22	88	Presented to Governor (5/22)	2648
May	31	AJ	Returned by Governor without approval (5/26)	2795

LEGISLATIVE BILL 439. By Wesely

Jan.	13	7	Read first time	233
Jan.	17	8	Referred to Committee on Health and Human Services	253
Jan.	27	16	Notice of hearing (2/23)	479
Mar.	20	49	Indefinitely postponed	1219

LEGISLATIVE BILL 440. By Hannibal

Jan.	13	7	Read first time	233
Jan.	17	8	Referred to Committee on General Affairs	253
Jan.	23	12	Notice of hearing (1/30)	398
Feb.	3	21	Placed on General File	589
Feb.	16	30	Advanced for Review	785
Feb.	21	31	Placed on Select File	796

Mar. 3 39 Advanced for Engrossment 968
Mar. 6 40 Correctly Engrossed 997
Mar. 17 48 Final Reading 44-0-5 1201
Mar. 17 48 President signed 1205
Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 441. By Hannibal

Jan. 13 7 Read first time 233
Jan. 17 8 Referred to Committee on General Affairs 253
Jan. 23 12 Notice of hearing (1/30) 398
Jan. 31 18 Pirsch name added 522
Feb. 3 21 Placed on General File - Com AM0172 589
Feb. 24 34 Committee AM0172 adopted.
Advanced for Review 874
Feb. 28 36 Placed on Select File - AM5069 913
Mar. 3 39 AM5069 (E & R) adopted.
Advanced for Engrossment 973
Mar. 7 41 Correctly Engrossed 1002
Mar. 7 41 ER6131 change 1003
Mar. 17 48 Final Reading w/E 40-0-9 1205
Mar. 17 48 President signed 1206
Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 442. By Warner

Jan. 13 7 Read first time 233
Jan. 17 8 Referred to Committee on Government,
Military and Veterans Affairs 253
Feb. 1 19 Notice of hearing (2/9) 535
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 443. By Robak, Kristensen, Pirsch

Jan. 13 7 Read first time 234
Jan. 17 8 Referred to Committee on Judiciary 253
Jan. 19 10 Notice of hearing (2/1) 321
Feb. 2 20 Placed on General File 562
Feb. 14 28 Chambers-Wesely FA37 adopted.
Advanced for Review.
Chambers name added 744
Feb. 15 29 Placed on Select File - AM5058 747
Feb. 21 31 Wesely name added 816

Mar.	2	38	AM5058 (E & R) adopted. Chambers-Kristensen AM0685 adopted. Advanced for Engrossment	952
Mar.	3	39	Correctly Engrossed	982
Mar.	9	43	Final Reading w/E 46-0-3	1039
Mar.	9	43	Speaker signed	1046
Mar.	9	43	Presented to Governor (3/9)	1057
Mar.	15	46	Approved by Governor (3/14)	1149

LEGISLATIVE BILL 444. By Ashford

Jan.	13	7	Read first time	234
Jan.	17	8	Referred to Committee on Urban Affairs	253
Jan.	27	16	Notice of hearing (2/21)	468
Feb.	22	32	Placed on General File - Com AM0344	833
Mar.	13	44	Urban Affairs Committee priority bill	1082
Apr.	3	57	Committee AM0344 adopted. Advanced for Review	1456
Apr.	7	61	Placed on Select File - AM7038	1583
May	5	78	Lindsay AM1688 printed separate	2127
May	11	82	AM7038 (E & R) adopted. Lindsay pending AM1688 p. 2127 lost. Advanced for Engrossment	2315
May	11	82	Hartnett name added	2317
May	15	83	Correctly Engrossed	2365
May	22	88	Final Reading 48-0-1	2631
May	22	88	President signed	2644
May	22	88	Presented to Governor (5/22)	2648
May	31	AJ	Approved by Governor (5/25)	2775

LEGISLATIVE BILL 445. By Ashford

Jan.	13	7	Read first time	234
Jan.	17	8	Referred to Committee on Judiciary	253
Jan.	27	16	Notice of hearing (2/15)	460

LEGISLATIVE BILL 446. By Ashford

Jan.	13	7	Read first time	234
Jan.	17	8	Referred to Committee on Judiciary	253
Jan.	27	16	Notice of hearing (2/16)	461

LEGISLATIVE BILL 447. By Nelson, Beck, Crosby, Schellpeper, R. Johnson

Jan. 13 7 Read first time 234
Jan. 17 8 Referred to Committee on Education 253
Jan. 27 16 Notice of hearing (2/27) 478
Feb. 28 36 Placed on General File - Com AM0546 907
Mar. 13 44 Nelson priority bill 1069
Mar. 28 54 Committee AM0546 adopted.
Failed to advance for Review 1375

LEGISLATIVE BILL 447A. By Nelson

Mar. 3 39 Read first time. Placed on General File 983

LEGISLATIVE BILL 448. By Goodrich

Jan. 13 7 Read first time 235
Jan. 17 8 Referred to Committee on Government,
Military and Veterans Affairs 253
Feb. 1 19 Notice of hearing (3/15) 536
Mar. 22 51 Indefinitely postponed 1290

LEGISLATIVE BILL 449. By Ashford, Wesely

Jan. 13 7 Read first time 235
Jan. 17 8 Referred to Committee on Health and
Human Services 253
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 7 23 Placed on General File - Com AM0205 637
Mar. 8 42 Committee AM0205 adopted.
Advanced for Review 1031
Mar. 13 44 Placed on Select File - AM5085 1066
Mar. 22 51 AM5085 (E & R) adopted.
Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading 31-16-2 2632
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2790

LEGISLATIVE BILL 449A. By Wesely

Feb. 24 34 Read first time. Placed on General File 878
Mar. 8 42 Advanced for Review 1031
Mar. 13 44 Placed on Select File - AM5086 1066
Mar. 22 51 AM5086 (E & R) adopted.

Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
May 22 88 Final Reading 27-17-5 2633
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Returned by Governor without approval (5/26) . 2790

LEGISLATIVE BILL 450. By Ashford

Jan. 13 7 Read first time 236
Jan. 17 8 Referred to Committee on Transportation 253
Jan. 27 16 Notice of hearing (2/14) 469
Feb. 24 34 Placed on General File - Com AM0511 871

LEGISLATIVE BILL 451. By Ashford, Hannibal

Jan. 13 7 Read first time 236
Jan. 17 8 Referred to Committee on Urban Affairs 253
Jan. 27 16 Notice of hearing (2/14) 468
Feb. 16 30 Placed on General File - Com AM0391 780

LEGISLATIVE BILL 452. By Ashford

Jan. 13 7 Read first time 236
Jan. 17 8 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 27 16 Notice of hearing (2/13) 466
Feb. 23 33 Placed on General File - Com AM0533 859

LEGISLATIVE BILL 453. By Ashford

Jan. 13 7 Read first time 236
Jan. 17 8 Referred to Committee on Business and Labor 253
Jan. 26 15 Notice of hearing (2/27) 456
Mar. 6 40 Indefinitely postponed 987

LEGISLATIVE BILL 454. By Ashford

Jan. 13 7 Read first time 237
Jan. 17 8 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 27 16 Notice of hearing (2/14) 466

LEGISLATIVE BILL 455. By Ashford

Jan. 13 7 Read first time 237
Jan. 17 8 Referred to Committee on Judiciary 253
Jan. 30 17 Notice of hearing (2/23) 484
Mar. 14 45 Placed on General File - Com AM0647 1134

LEGISLATIVE BILL 456. By Ashford

Jan. 13 7 Read first time 237
Jan. 17 8 Referred to Committee on Health and Human Services 253
Jan. 27 16 Notice of hearing (2/15) 479
Mar. 21 50 Placed on General File - Com AM0784 1253

LEGISLATIVE BILL 457. By Schmit

Jan. 13 7 Read first time 237
Jan. 17 8 Referred to Committee on Banking, Commerce and Insurance 253
Jan. 27 16 Notice of hearing (3/6) 467
Mar. 8 42 Placed on General File 1028

LEGISLATIVE BILL 458. By Revenue Committee

Jan. 13 7 Read first time 237
Jan. 17 8 Referred to Committee on Revenue 253
Jan. 18 9 Notice of hearing (1/25) 257
Jan. 30 17 Placed on General File - Com AM0122 495
Feb. 3 21 Committee AM0122 adopted. Advanced for Review 591
Feb. 7 23 Nelson AM0239 to committee amendment printed 639
Feb. 8 24 Placed on Select File - AM5041 650
Feb. 13 27 AM5041 (E & R) adopted. Nelson pending AM0239 p. 639 withdrawn. Advanced for Engrossment 720
Feb. 15 29 Correctly Engrossed 747
Mar. 2 38 Final Reading 46-0-3 941
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 459. By Revenue Committee

Jan. 13 7 Read first time 238
Jan. 17 8 Referred to Committee on Revenue 253

Jan. 18 9 Notice of hearing (1/25) 257
Jan. 30 17 Placed on General File 495
Feb. 3 21 Advanced for Review 590
Feb. 8 24 Placed on Select File - AM5042 650
Feb. 13 27 AM5042 (E & R) adopted.
Advanced for Engrossment 720
Feb. 15 29 Correctly Engrossed 747
Mar. 2 38 Final Reading 46-0-3 942
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 460. By McFarland, Schimek, Wesely, Hefner, Ashford

Jan. 13 7 Read first time 238
Jan. 17 8 Referred to Committee on Government,
Military and Veterans Affairs 253
Feb. 1 19 Notice of hearing (2/8) 535
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 461. By Moore

Jan. 13 7 Read first time 238
Jan. 17 8 Referred to Committee on Banking,
Commerce and Insurance 253
Jan. 27 16 Notice of hearing (2/28) 467

LEGISLATIVE BILL 462. By Lamb

Jan. 13 7 Read first time 239
Jan. 17 8 Referred to Committee on Health and
Human Services 253
Jan. 27 16 Notice of hearing (2/15) 479
Mar. 28 54 Lamb motion to report to General File,
pursuant to Rule 3, Sec. 16(b) laid over 1376
Mar. 29 55 Lamb communication printed 1383
Apr. 25 72 Placed on General File - AM1095 1911
(printed separate)

LEGISLATIVE BILL 463. By Wehrbein

Jan. 17 8 Read first time 242
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 30 17 Notice of hearing (3/3) 485

Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 464. By Chambers

Jan. 17 8 Read first time 242
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 25 14 Notice of hearing (2/3) 424
Jan. 26 15 Notice of hearing (2/22) (Reset) 452

LEGISLATIVE BILL 465. By Chambers

Jan. 17 8 Read first time 243
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 30 17 Notice of hearing (3/2) 485
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 29 55 Smith AM0993 printed 1387
Mar. 30 56 Placed on General File 1404

LEGISLATIVE BILL 466. By Hartnett

Jan. 17 8 Read first time 243
Jan. 18 9 Referred to Committee on Banking, Commerce and Insurance 267
Jan. 27 16 Notice of hearing (2/28) 467
Mar. 8 42 Placed on General File - Com AM0658 1031

LEGISLATIVE BILL 467. By Hartnett

Jan. 17 8 Read first time 243
Jan. 18 9 Referred to Committee on Banking, Commerce and Insurance 267
Jan. 27 16 Notice of hearing (2/28) 467
Mar. 1 37 Indefinitely postponed 934

LEGISLATIVE BILL 468. By Appropriations Committee

Jan. 17 8 Read first time 243
Jan. 18 9 Referred to Committee on Appropriations 267
Jan. 20 11 Notice of hearing (3/3) 387
Feb. 1 19 Attorney General's Opinion #89004 to Hall 530
Feb. 22 32 Notice of hearing (Room change) 831
Mar. 13 44 Appropriations Committee priority bill 1108
Mar. 21 50 Placed on General File - Com AM0977 ..... 1253 (printed separate)

LEGISLATIVE BILL 469. By Appropriations Committee

Jan.	17	8	Read first time	244
Jan.	18	9	Referred to Committee on Appropriations	267
Feb.	2	20	Notice of hearing (3/16)	572
Apr.	21	70	Placed on General File	1839
May	9	80	Advanced for Review	2251
May	11	82	Placed on Select File - AM7071	2312
May	16	84	AM7071 (E & R) adopted. Advanced for Engrossment	2437
May	17	85	Correctly Engrossed. ER6203 change	2444
May	19	87	Final Reading w/E 46-0-3	2561
May	19	87	Speaker signed	2567
May	19	87	Presented to Governor (5/19)	2573
May	24	90	Approved by Governor (5/22)	2722

LEGISLATIVE BILL 470. By Appropriations Committee

Jan.	17	8	Read first time	244
Jan.	18	9	Referred to Committee on Appropriations	267
Feb.	2	20	Notice of hearing (2/24)	572
Apr.	21	70	Placed on General File - AM0065	1843

LEGISLATIVE BILL 471. By Goodrich

Jan.	17	8	Read first time	244
Jan.	18	9	Referred to Committee on Government, Military and Veterans Affairs	267
Feb.	1	19	Notice of hearing (2/23)	535
Mar.	3	39	Placed on General File - Com AM0678	960

LEGISLATIVE BILL 472. By Peterson, Schellpeper, Beyer, Moore, Coordsen

Jan.	17	8	Read first time	244
Jan.	18	9	Referred to Committee on Health and Human Services	267
Jan.	18	9	Robak name added	294
Jan.	27	16	Notice of hearing (3/9)	481

LEGISLATIVE BILL 473. By Chizek, Hartnett, Goodrich, Beyer, Ashford

Jan.	17	8	Read first time	245
Jan.	18	9	Referred to Committee on Appropriations	267

Feb. 2 20 Notice of hearing (2/10) 565
Feb. 2 20 Korshoj name added 571

LEGISLATIVE BILL 474. By Abboud

Jan. 17 8 Read first time 245
Jan. 18 9 Referred to Committee on Transportation 267
Jan. 23 12 Notice of hearing (1/31) 397
Feb. 8 24 Indefinitely postponed 646

LEGISLATIVE BILL 475. By Hall

Jan. 17 8 Read first time 245
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 30 17 Notice of hearing (3/3) 485

LEGISLATIVE BILL 476. By Ashford

Jan. 17 8 Read first time 246
Jan. 18 9 Referred to Committee on Banking, Commerce and Insurance 267
Jan. 27 16 Notice of hearing (2/13) 466
Mar. 1 37 Indefinitely postponed 934

LEGISLATIVE BILL 477. By Ashford

Jan. 17 8 Read first time 246
Jan. 18 9 Referred to Committee on General Affairs 267
Jan. 30 17 Notice of hearing (3/6) 490
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 478. By Ashford

Jan. 17 8 Read first time 246
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 30 17 Notice of hearing (2/23) 484
Feb. 24 34 Lindsay name added 878
Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 479. By Landis

Jan. 17 8 Read first time 246
Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 18 9 Ashford name added 294
Jan. 30 17 Notice of hearing (3/8) 485

LEGISLATIVE BILL 480. By Landis

Jan.	17	8	Read first time	247
Jan.	18	9	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	27	16	Notice of hearing (3/14)	467
Mar.	16	47	Indefinitely postponed	1185

LEGISLATIVE BILL 481. By Pirsch

Jan.	17	8	Read first time	247
Jan.	18	9	Referred to Committee on Revenue	267
Jan.	25	14	Notice of hearing (2/1)	425
Feb.	13	27	Indefinitely postponed	726

LEGISLATIVE BILL 482. By Pirsch

Jan.	17	8	Read first time	247
Jan.	18	9	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	27	16	Notice of hearing (2/13)	466
Feb.	22	32	Placed on General File	833
Mar.	30	56	Advanced for Review	1411
Apr.	4	58	Placed on Select File - AM7035	1489
Apr.	7	61	AM7035 (E & R) adopted. Advanced for Engrossment	1574
Apr.	12	64	Correctly Engrossed. ER6160 change	1667
Apr.	19	68	Final Reading 42-1-6	1774
Apr.	19	68	Speaker signed	1775
Apr.	19	68	Presented to Governor (4/19)	1778
Apr.	20	69	Approved by Governor (4/20)	1809

LEGISLATIVE BILL 483. By Abboud, Beck, Kristensen

Jan.	17	8	Read first time	247
Jan.	18	9	Referred to Committee on Judiciary	267
Jan.	27	16	Notice of hearing (2/22)	461
Mar.	14	45	Placed on General File - Com AM0855 (printed separate)	1145

LEGISLATIVE BILL 484. By Abboud

Jan.	17	8	Read first time	248
Jan.	18	9	Referred to Committee on Judiciary	267

Jan. 30 17 Notice of hearing (2/23) 484
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 485. By R. Johnson

Jan. 17 8 Read first time 248
Jan. 18 9 Referred to Committee on Transportation 267
Jan. 27 16 Notice of hearing (2/6) 469

LEGISLATIVE BILL 486. By Education Committee

Jan. 17 8 Read first time 248
Jan. 18 9 Referred to Committee on Education 267
Jan. 27 16 Notice of hearing (3/13) 478
Mar. 14 45 Placed on General File 1111
Mar. 30 56 Advanced for Review 1414
Apr. 5 59 Withem AM0974 printed 1507
Apr. 6 60 Placed on Select File - AM7031 1536

LEGISLATIVE BILL 487. By Education Committee

Jan. 17 8 Read first time 248
Jan. 18 9 Referred to Committee on Education 267
Jan. 27 16 Notice of hearing (3/13) 478
Mar. 14 45 Placed on General File 1111
Mar. 30 56 Advanced for Review 1414
Apr. 6 60 Placed on Select File - AM7030 1537
Apr. 7 61 Lamb AM1105 printed 1569
Apr. 7 61 AM7030 (E & R) adopted.
Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
May 15 83 Returned to Select File for Lamb
amendment. Lamb pending AM1105
p. 1569 adopted. Advanced for
Re-Engrossment 2331
May 15 83 Correctly Re-Engrossed. ER6195 change 2392
May 23 89 Final Reading w/E 48-0-1 2682
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 487A. By Withem

Mar. 23 52 Read first time. Placed on General File 1325
Mar. 30 56 Advanced for Review 1414

Apr. 6 60 Placed on Select File 1537
Apr. 7 61 Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
May 23 89 Final Reading 46-1-2 2683
May 23 89 President signed 2692
May 23 89 Presented to Governor (5/23) 2703
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 488. By Education Committee

Jan. 17 8 Read first time 249
Jan. 18 9 Referred to Committee on Education 267
Jan. 27 16 Notice of hearing (3/13) 478
Mar. 14 45 Placed on General File 1111
Mar. 30 56 Advanced for Review 1414
Apr. 5 59 Withem AM0975 printed 1506
Apr. 6 60 Placed on Select File - AM7033 1537

LEGISLATIVE BILL 488A. By Withem

Mar. 23 52 Read first time. Placed on General File 1325
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File 1538

LEGISLATIVE BILL 489. By Wesely

Jan. 17 8 Read first time 249
Jan. 18 9 Referred to Committee on Health and Human Services 267
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 2 20 Placed on General File 571
Feb. 16 30 Advanced for Review 785
Feb. 21 31 Placed on Select File - AM5064 796
Mar. 3 39 AM5064 (E & R) adopted. Advanced for Engrossment 968
Mar. 6 40 Correctly Engrossed 998
Mar. 17 48 Final Reading 43-0-6 1202
Mar. 17 48 President signed 1205
Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 490. By Moore, Korshoj

Jan. 17 8 Read first time 249

Jan. 18 9 Referred to Committee on Judiciary 267
Jan. 27 16 Notice of hearing (2/15) 460
Mar. 27 53 Attorney General's Opinion #89021 to Chizek ... 1340

LEGISLATIVE BILL 491. By Moore

Jan. 17 8 Read first time 249
Jan. 18 9 Referred to Committee on Health and Human Services 267
Jan. 27 16 Notice of hearing (2/16) 479
Feb. 28 36 Placed on General File - Com AM0553 909

LEGISLATIVE BILL 492. By Korshoj

Jan. 17 8 Read first time 250
Jan. 18 9 Referred to Committee on Government, Military and Veterans Affairs 267
Feb. 1 19 Notice of hearing (2/24) 535
Mar. 3 39 Placed on General File - Com AM0695 970

LEGISLATIVE BILL 493. By Nelson, Morrissey, Coordsen, McFarland, Langford, Kristensen

Jan. 17 8 Read first time 254
Jan. 18 9 Referred to Committee on Government, Military and Veterans Affairs 267
Feb. 1 19 Notice of hearing (3/3) 536
Mar. 22 51 Indefinitely postponed 1291

LEGISLATIVE BILL 494. By Korshoj, Chizek

Jan. 17 8 Read first time 254
Jan. 18 9 Referred to Committee on Urban Affairs 267
Jan. 27 16 Notice of hearing (2/7) 468
Feb. 9 25 Indefinitely postponed 675

LEGISLATIVE BILL 495. By Coordsen

Jan. 17 8 Read first time 254
Jan. 18 9 Referred to Committee on Transportation 267
Jan. 27 16 Notice of hearing (3/7) 470

LEGISLATIVE BILL 496. By Korshoj

Jan. 18 9 Read first time 258

Jan. 19 10 Referred to Committee on Judiciary 318
Jan. 25 14 Notice of hearing (2/10) 424
Mar. 14 45 Indefinitely postponed 1138

LEGISLATIVE BILL 497. By Schmit, Robak

Jan. 18 9 Read first time 258
Jan. 19 10 Referred to Committee on Revenue 318
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 27 35 Indefinitely postponed 891

LEGISLATIVE BILL 498. By Robak

Jan. 18 9 Read first time 258
Jan. 19 10 Referred to Committee on Urban Affairs 318
Jan. 27 16 Notice of hearing (2/21) 468
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 499. By Robak

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Education 318
Jan. 23 12 Notice of hearing (1/30) 402
Jan. 31 18 Placed on General File 520
Feb. 8 24 Advanced for Review 645
Feb. 9 25 Placed on Select File - AM5048 655
Feb. 13 27 AM5048 (E & R) adopted.
Advanced for Engrossment 724
Feb. 15 29 Correctly Engrossed 747
Mar. 3 39 Moore AM0686 printed 980
Mar. 9 43 Moore motion to return to Select
File for AM0686 lost 1037
Mar. 9 43 Final Reading w/E 46-0-3 1038
Mar. 9 43 Speaker signed 1046
Mar. 9 43 Presented to Governor (3/9) 1057
Mar. 15 46 Approved by Governor (3/14) 1149

LEGISLATIVE BILL 500. By Robak

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Government,
Military and Veterans Affairs 318
Feb. 1 19 Notice of hearing (3/8) 536
Mar. 22 51 Indefinitely postponed 1291

LEGISLATIVE BILL 501. By Elmer

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Transportation 318
Jan. 27 16 Notice of hearing (3/7) 470
Mar. 16 47 Placed on General File - Com AM0130 1187

LEGISLATIVE BILL 502. By Elmer

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Natural Resources 318
Jan. 25 14 Notice of hearing (2/1) 442
Feb. 2 20 Placed on General File 554
Feb. 14 28 Advanced for Review 738
Feb. 15 29 Placed on Select File 746
Feb. 21 31 Advanced for Engrossment 808
Feb. 22 32 Correctly Engrossed 829
Mar. 2 38 Final Reading 43-0-6 949
Mar. 2 38 President signed 950
Mar. 2 38 Presented to Governor (3/2) 956
Mar. 7 41 Approved by Governor (3/6) 1004

LEGISLATIVE BILL 503. By Goodrich

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 318
Jan. 25 14 Notice of hearing (2/1) 446
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 16 47 Placed on General File - Com AM0914 1194

LEGISLATIVE BILL 503A. By Goodrich

Mar. 23 52 Read first time. Placed on General File 1316

LEGISLATIVE BILL 504. By Coordsen

Jan. 18 9 Read first time 259
Jan. 19 10 Referred to Committee on Revenue 318
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 24 34 Indefinitely postponed 878

LEGISLATIVE BILL 505. By Weihing

Jan. 18 9 Read first time 260

Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 318
Jan. 27 16 Notice of hearing (2/27) 467
Mar. 7 41 Placed on General File - Com AM0462 1016

LEGISLATIVE BILL 505A. By Weihing

Apr. 3 57 Read first time. Placed on General File 1428

LEGISLATIVE BILL 506. By Haberman

Jan. 18 9 Read first time 260
Jan. 19 10 Referred to Committee on Nebraska Retirement Systems 318
Jan. 24 13 Notice of hearing (1/31) 415
Feb. 7 23 Placed on General File - Com AM0163 636
Mar. 8 42 Committee AM0163 adopted. Advanced for Review 1031
Mar. 13 44 Placed on Select File - AM5089 1065
Mar. 22 51 AM5089 (E & R) adopted. Advanced for Engrossment 1302
Mar. 28 54 Correctly Engrossed 1364
Mar. 28 54 ER6144 change 1365
Apr. 5 59 Withem AM1098 printed 1502
Apr. 6 60 Returned to Select File for Withem amendment. Withem pending AM1098 p. 1502 adopted. Advanced for Re-Engrossment 1541
Apr. 11 63 Correctly Re-Engrossed 1649
Apr. 13 65 Haberman-Korshoj AM1383 printed 1679
Apr. 17 66 Haberman-Korshoj pending AM1383 p. 1679 withdrawn 1715
Apr. 17 66 Haberman motion to return to Select File for FA163 withdrawn. Final Reading w/E 44-0-5 1716
Apr. 17 66 Speaker signed 1718
Apr. 17 66 Presented to Governor (4/17) 1720
Apr. 20 69 Approved by Governor (4/20) 1809

LEGISLATIVE BILL 507. By Lynch, Labedz, Chizek, Hall, Hartnett

Jan. 18 9 Read first time 260
Jan. 19 10 Referred to Committee on General Affairs 318
Jan. 30 17 Notice of hearing (2/27) 490

LEGISLATIVE BILL 508. By Scofield

Jan. 18 9 Read first time 260
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 318
Feb. 1 19 Notice of hearing (3/16) 536
Mar. 22 51 Placed on General File 1288
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File - AM7029 1538
Apr. 7 61 AM7029 (E & R) adopted. Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 41-0-8 1825
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 509. By Scofield

Jan. 18 9 Read first time 260
Jan. 19 10 Referred to Committee on Transportation 318
Jan. 27 16 Notice of hearing (2/27) 469
Mar. 3 39 Placed on General File 975
Mar. 30 56 Advanced for Review 1413
Apr. 6 60 Placed on Select File - AM7022 1535
Apr. 7 61 AM7022 (E & R) adopted. Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 43-0-6 1826
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 510. By Scofield

Jan. 18 9 Read first time 261
Jan. 19 10 Referred to Committee on Health and Human Services 318
Jan. 27 16 Notice of hearing (3/1) 481
Mar. 7 41 Placed on General File - Com AM0586 1011

LEGISLATIVE BILL 511. By Scofield

Jan. 18 9 Read first time 261
Jan. 19 10 Referred to Committee on Health and

Human Services 318
Jan. 25 14 Notice of hearing (2/10) 443
Feb. 28 36 Indefinitely postponed 909

LEGISLATIVE BILL 512. By Korshoj

Jan. 18 9 Read first time 261
Jan. 19 10 Referred to Committee on Judiciary 318
Jan. 30 17 Notice of hearing (3/15) 485
Mar. 21 50 Indefinitely postponed 1263

LEGISLATIVE BILL 513. By Withem

Jan. 18 9 Read first time 261
Jan. 19 10 Referred to Committee on Transportation 318
Jan. 27 16 Notice of hearing (3/6) 470
Mar. 16 47 Indefinitely postponed 1187

LEGISLATIVE BILL 514. By Schimek, Baack

Jan. 18 9 Read first time 261
Jan. 19 10 Referred to Committee on Education 318
Jan. 27 16 Notice of hearing (3/7) 478
Apr. 27 74 Placed on General File - AM0728 1968

LEGISLATIVE BILL 514A. By Schimek, Baack

May 5 78 Read first time. Placed on General File 2120

LEGISLATIVE BILL 515. By Hartnett

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Transportation 318
Jan. 27 16 Notice of hearing (3/6) 470
Mar. 13 44 Indefinitely postponed 1080

LEGISLATIVE BILL 516. By Hartnett

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Urban Affairs 318
Jan. 24 13 Notice of hearing (1/31) 415
Feb. 2 20 Placed on General File - Com AM0182 564
Feb. 15 29 Committee AM0182 adopted.
Advanced for Review 756
Feb. 16 30 Placed on Select File 766

Feb. 21 31 Wesely name added 816
Mar. 2 38 Hall AM0683 adopted.
Advanced for Engrossment 954
Mar. 6 40 Correctly Engrossed 989
Mar. 6 40 ER6125 change 991
Mar. 17 48 Final Reading w/E 42-0-7 1203
Mar. 17 48 President signed 1205
Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 517. By Morrissey, Schimek

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Government,
Military and Veterans Affairs 318
Jan. 25 14 Notice of hearing (2/1) 446

LEGISLATIVE BILL 518. By Scofield, Weihing

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Appropriations 318
Feb. 2 20 Notice of hearing (2/22) 572

LEGISLATIVE BILL 519. By Beyer

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Health and
Human Services 318
Jan. 27 16 Notice of hearing (3/8) 481

LEGISLATIVE BILL 520. By Schellpeper, Dierks

Jan. 18 9 Read first time 262
Jan. 19 10 Referred to Committee on Health and
Human Services 318
Jan. 25 14 Notice of hearing (2/2) 443
Feb. 3 21 Placed on General File 595
Feb. 16 30 Schellpeper AM0438 printed 789

LEGISLATIVE BILL 520A. By Schellpeper

Feb. 9 25 Read first time. Placed on General File 675

LEGISLATIVE BILL 521. By Schellpeper

Jan. 18 9 Read first time 263
Jan. 19 10 Referred to Committee on Education 318
Jan. 20 11 Smith name added 367
Jan. 27 16 Notice of hearing (3/7) 478
Jan. 31 18 Bernard-Stevens name added 522
Feb. 9 25 Weihing name added 682
Mar. 15 46 Indefinitely postponed 1157

LEGISLATIVE BILL 522. By Schellpeper

Jan. 18 9 Read first time 263
Jan. 19 10 Referred to Committee on Revenue 318
Jan. 31 18 Notice of hearing (2/15) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 523. By Coordsen, Elmer, Morrissey, Korshoj

Jan. 18 9 Read first time 263
Jan. 19 10 Referred to Committee on Revenue 318
Feb. 6 22 Notice of hearing (3/2) 604

LEGISLATIVE BILL 524. By Withem

Jan. 18 9 Read first time 263
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 318
Jan. 25 14 Notice of hearing (2/2) 446
Feb. 16 30 Indefinitely postponed 780

LEGISLATIVE BILL 525. By Scofield, Baack, Weihing

Jan. 18 9 Read first time 263
Jan. 19 10 Referred to Committee on Appropriations 318
Feb. 2 20 Notice of hearing (2/16) 565
Apr. 26 73 Placed on General File - AM1512 1951
May 4 77 Landis AM1690 to committee amendment printed 2107
May 10 81 Committee AM1512 sustained division of question. FA250 (1) pending 2275
May 10 81 Lynch motion to bracket until 5/15/89 withdrawn 2276
May 10 81 Landis pending AM1690 p. 2107 withdrawn. Committee FA250 (1) and FA251 (2) adopted. Committee FA252 (3) lost. Committee FA253 (4), FA254 (5) and

FA255 (6) adopted. Advanced for Review 2278
May 10 81 Warner FA256 and Landis FA257 printed 2287
May 15 83 Placed on Select File - AM7077 2319
May 16 84 Warner AM1862 printed 2416
May 17 85 AM7077 (E & R) adopted. Warner request to substitute amendment prevailed. Warner pending FA256 p. 2287 withdrawn. Moore motion to bracket until 5/19/89 lost. Warner substitute AM1862 p. 2416 lost. Pending 2445
May 17 85 Landis pending FA257 p. 2287 adopted. Kristensen AM1894 adopted as amended by Warner FA276. Pending 2450
May 17 85 Lynch-Bernard Stevens motion to reconsider AM1894 p. 2451 lost 2479
May 17 85 Withem-Bernard-Stevens FA279 lost. Bernard-Stevens motion to bracket until 5/22/89 withdrawn. Scofield motion to bracket until 5/19/89 prevailed 2480
May 17 85 Withem FA284 printed 2497
May 19 87 Withem request to substitute amendment prevailed. Withem pending FA284 p. 2497 withdrawn. Withem-Kristensen substitute AM1956 adopted. Lynch motion to bracket until 1/3/90 withdrawn. Ashford-Abboud-Langford-Schimek AM1950 lost. Pending 2576
May 19 87 McFarland-Moore FA292 lost. Advanced for Engrossment 2579
May 19 87 Correctly Engrossed 2591
May 19 87 ER6222 change 2592
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 35-6-8 2708
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor with line-item veto (5/26) 2786
May 31 AJ Message from Secretary of State. 2796
May 31 AJ Certificate 2797

LEGISLATIVE BILL 526. By Scofield, Hefner

Jan. 18 9 Read first time 264
Jan. 19 10 Referred to Committee on Judiciary 318
Jan. 30 17 Notice of hearing (3/15) 485

Mar. 21 50 Indefinitely postponed 1263

LEGISLATIVE BILL 527. By Natural Resources Committee

Jan. 18 9 Read first time 264
Jan. 19 10 Referred to Committee on Natural Resources 318
Feb. 1 19 Notice of hearing (2/9) 531
Feb. 23 33 Placed on General File 841

LEGISLATIVE BILL 528. By Bernard-Stevens

Jan. 18 9 Read first time 264
Jan. 19 10 Referred to Committee on Revenue 318
Jan. 31 18 Notice of hearing (2/16) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 529. By Chizek

Jan. 18 9 Read first time 264
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 318
Jan. 27 16 Notice of hearing (3/6) 467

LEGISLATIVE BILL 530. By Hannibal

Jan. 18 9 Read first time 265
Jan. 19 10 Referred to Committee on Health and Human Services 318
Jan. 27 16 Notice of hearing (2/16) 479

LEGISLATIVE BILL 531. By Moore

Jan. 18 9 Read first time 265
Jan. 19 10 Referred to Committee on Education 319
Jan. 27 16 Notice of hearing (2/21) 478
Feb. 28 36 Indefinitely postponed 896

LEGISLATIVE BILL 532. By Moore, Hefner

Jan. 18 9 Read first time 265
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 31 18 Notice of hearing (2/22) 517
Feb. 27 35 Indefinitely postponed 891

LEGISLATIVE BILL 533. By Moore

Jan. 18 9 Read first time 265
Jan. 19 10 Referred to Committee on Transportation 319
Jan. 27 16 Notice of hearing (2/21) 469
Mar. 3 39 Placed on General File 975

LEGISLATIVE BILL 534. By Withem, Barrett

Jan. 18 9 Read first time 265
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 319
Feb. 1 19 Notice of hearing (2/9) 535
Feb. 16 30 Placed on General File - Com AM0375 780
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 535. By Wehrbein

Jan. 18 9 Read first time 266
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 25 14 Notice of hearing (2/1) 425
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 536. By Wehrbein

Jan. 18 9 Read first time 266
Jan. 19 10 Referred to Committee on Appropriations 319
Feb. 2 20 Notice of hearing (2/16) 566

LEGISLATIVE BILL 537. By Wehrbein

Jan. 18 9 Read first time 268
Jan. 19 10 Referred to Committee on Health and Human Services 319
Jan. 27 16 Notice of hearing (3/1) 481
Mar. 13 44 Placed on General File - Com AM0766 1106
(printed separate)

LEGISLATIVE BILL 538. By L. Johnson, Hartnett

Jan. 18 9 Read first time 268
Jan. 19 10 Referred to Committee on Transportation 319
Jan. 27 16 Notice of hearing (2/27) 469
Mar. 3 39 Indefinitely postponed 980

LEGISLATIVE BILL 539. By Lindsay

Jan. 18 9 Read first time 269
Jan. 19 10 Referred to Committee on Health and Human Services 319
Jan. 27 16 Notice of hearing (3/8) 481
Mar. 13 44 Indefinitely postponed 1107

LEGISLATIVE BILL 540. By Lindsay

Jan. 18 9 Read first time 269
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 31 18 Notice of hearing (2/24) 518
Feb. 27 35 Placed on General File - Com AM0596 891

LEGISLATIVE BILL 541. By Lindsay, Ashford

Jan. 18 9 Read first time 269
Jan. 19 10 Referred to Committee on Business and Labor 319
Jan. 26 15 Notice of hearing (2/27) 456
Mar. 6 40 Placed on General File - Com AM0456 993
Mar. 13 44 Business and Labor Committee priority bill 1108
Apr. 5 59 Committee AM0456 adopted. Advanced for Review 1530
Apr. 10 62 Placed on Select File - AM7043 1620
May 9 80 AM7043 (E & R) adopted. Advanced for Engrossment 2252
May 11 82 Correctly Engrossed. ER6184 change 2317
May 22 88 Final Reading 39-3-7 2634
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 542. By Lindsay, Ashford, Landis

Jan. 18 9 Read first time 269
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 319
Jan. 27 16 Notice of hearing (2/21) 467
Mar. 2 38 Placed on General File - Com AM0455 956
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 543. By Chambers

Jan. 18 9 Read first time 270
Jan. 19 10 Referred to Committee on Appropriations 319

Jan. 24 13 Rereferred to Committee on Education 405
Jan. 27 16 Notice of hearing (3/6) 478
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 15 46 Placed on General File - Com AM0895 1156

LEGISLATIVE BILL 544. By Government, Military and Veterans Affairs Committee

Jan. 18 9 Read first time 270
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 319
Jan. 27 16 Notice of hearing (2/21) 467
Feb. 23 33 Placed on General File - Com AM0534 849
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 544A. By Baack

Apr. 18 67 Read first time. Placed on General File 1759

LEGISLATIVE BILL 545. By Government, Military and Veterans Affairs Committee

Jan. 18 9 Read first time 270
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 319
Feb. 1 19 Notice of hearing (2/16) 535
Feb. 23 33 Placed on General File - Com AM0500 853

LEGISLATIVE BILL 545A. By Baack

Mar. 6 40 Read first time. Placed on General File 999

LEGISLATIVE BILL 546. By Government, Military and Veterans Affairs Committee

Jan. 18 9 Read first time 270
Jan. 19 10 Referred to Committee on Government, Military and Veterans Affairs 319
Feb. 1 19 Notice of hearing (2/16) 535
Feb. 21 31 Placed on General File 793
Mar. 30 56 Advanced for Review 1410
Apr. 3 57 Placed on Select File - AM7017 1442
Apr. 7 61 AM7017 (E & R) adopted. Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649

Apr. 18 67 Final Reading 46-0-3 1739
Apr. 18 67 Speaker signed 1747
Apr. 18 67 Presented to Governor (4/18) 1750
Apr. 20 69 Approved by Governor (4/20) 1810

LEGISLATIVE BILL 547. By Lamb

Jan. 18 9 Read first time 270
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (3/15) 485
Mar. 21 50 Indefinitely postponed 1263

LEGISLATIVE BILL 548. By Conway, Scofield, Hefner

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Agriculture 319
Jan. 27 16 Notice of hearing (2/7) 479
Feb. 8 24 Placed on General File 652
Mar. 30 56 Advanced for Review 1401
Apr. 3 57 Placed on Select File 1441
Apr. 7 61 Advanced for Engrossment 1573
Apr. 11 63 Correctly Engrossed 1649
Apr. 18 67 Final Reading 48-0-1 1740
Apr. 18 67 Speaker signed 1747
Apr. 18 67 Presented to Governor (4/18) 1750
Apr. 20 69 Approved by Governor (4/20) 1810

LEGISLATIVE BILL 549. By Lynch

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 319
Jan. 27 16 Notice of hearing (3/7) 467

LEGISLATIVE BILL 550. By Lynch

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Natural Resources 319
Feb. 8 24 Notice of hearing (2/15) 646

LEGISLATIVE BILL 551. By Lynch

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Health and Human Services 319

Jan. 27 16 Notice of hearing (2/24) 481
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 552. By Chizek

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (3/1) 484
Mar. 30 56 Placed on General File 1404

LEGISLATIVE BILL 553. By Chizek

Jan. 18 9 Read first time 271
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (3/1) 484
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 554. By Chizek

Jan. 18 9 Read first time 272
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (3/1) 484
Mar. 30 56 Placed on General File 1404

LEGISLATIVE BILL 555. By Landis

Jan. 18 9 Read first time 272
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (2/23) 484
Feb. 23 33 Scofield name added 860
Mar. 13 44 Placed on General File - Com AM0573 1081

LEGISLATIVE BILL 556. By Abboud

Jan. 18 9 Read first time 272
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 19 10 Notice of hearing (2/1) 321
Feb. 2 20 Placed on General File - Com AM0199 562
Feb. 15 29 Committee AM0199 adopted.
Advanced for Review 755
Feb. 16 30 Placed on Select File 766
Mar. 2 38 Advanced for Engrossment 954
Mar. 6 40 Correctly Engrossed 989
Mar. 17 48 Final Reading 43-0-6 1204
Mar. 17 48 President signed 1205

Mar. 17 48 Presented to Governor (3/17) 1214
Mar. 21 50 Approved by Governor (3/21) 1259

LEGISLATIVE BILL 557. By Hall, Rogers, Labedz, Hefner, Hartnett

Jan. 18 9 Read first time 272
Jan. 19 10 Referred to Committee on Revenue 319
Feb. 6 22 Notice of hearing (3/9) 604
Mar. 7 41 Hefner AM0736 printed 1015

LEGISLATIVE BILL 558. By McFarland

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 27 16 Notice of hearing (2/16) 461
Feb. 21 31 Placed on General File 799

LEGISLATIVE BILL 559. By McFarland, Schellpeper

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 319
Jan. 27 16 Notice of hearing (2/14) 467
Feb. 22 32 Indefinitely postponed 833

LEGISLATIVE BILL 560. By McFarland, Crosby, Ashford

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 319
Jan. 27 16 Notice of hearing (2/14) 467

LEGISLATIVE BILL 561. By Wesely

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 30 17 Notice of hearing (3/2) 485
Mar. 13 44 Indefinitely postponed 1081

LEGISLATIVE BILL 562. By Wesely

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Education 319
Jan. 27 16 Notice of hearing (2/6) 478

Mar. 1 37 Placed on General File - Com AM0206 927

LEGISLATIVE BILL 563. By Ashford, McFarland, Lindsay, Chizek

Jan. 18 9 Read first time 273
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 31 18 Notice of hearing (2/23) 517
Mar. 6 40 Indefinitely postponed 998

LEGISLATIVE BILL 564. By Ashford, Chizek, Lindsay

Jan. 18 9 Read first time 274
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 31 18 Notice of hearing (2/23) 517
Feb. 28 36 Indefinitely postponed 896

LEGISLATIVE BILL 565. By Ashford

Jan. 18 9 Read first time 274
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 27 16 Notice of hearing (2/15) 460
Mar. 30 56 Placed on General File 1404

LEGISLATIVE BILL 566. By Ashford

Jan. 18 9 Read first time 274
Jan. 19 10 Referred to Committee on Revenue 319
Feb. 6 22 Notice of hearing (3/9) 604
Mar. 23 52 Placed on General File 1324
Mar. 30 56 Advanced for Review 1415
Apr. 4 58 Lindsay AM1167 printed 1483
Apr. 6 60 Placed on Select File - AM7034 1539
May 19 87 AM7034 (E & R) adopted. Lindsay pending AM1167 p. 1483 withdrawn. Advanced for Engrossment 2571
May 19 87 Correctly Engrossed 2591
May 19 87 ER6220 change 2592
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading 48-0-1 2709
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 567. By Withem, Ashford, Wesely, Bernard-Stevens

Jan. 18 9 Read first time 274
Jan. 19 10 Referred to Committee on Education 319
Jan. 27 16 Notice of hearing (2/7) 477
Feb. 8 24 Placed on General File 643

LEGISLATIVE BILL 567A. By Withem

Feb. 21 31 Read first time. Placed on General File 815

LEGISLATIVE BILL 568. By Conway, Hartnett

Jan. 18 9 Read first time 274
Jan. 19 10 Referred to Committee on General Affairs 319
Jan. 30 17 Notice of hearing (2/27) 490
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 569. By Rogers, Morrissey

Jan. 18 9 Read first time 275
Jan. 19 10 Referred to Committee on Health and Human Services 319
Jan. 27 16 Notice of hearing (2/16) 479
Feb. 28 36 Placed on General File - Com AM0554 908
Mar. 13 44 Morrissey priority bill 1108
Mar. 22 51 Withem AM1012 to committee amendment printed separate 1303
Mar. 29 55 Committee AM0554 adopted as amended by Withem pending AM1012 p. 1303. Advanced for Review 1387
Apr. 3 57 Placed on Select File - AM7018 1432
Apr. 6 60 Peterson-Schellpeper AM1107 printed 1560
Apr. 19 68 AM7018 (E & R) adopted. Peterson-Schellpeper pending AM1107 ruled not germane. Challenge of Chair withdrawn. Advanced for Engrossment 1793
Apr. 24 71 Correctly Engrossed. ER6173 change 1886
May 22 88 Final Reading w/E 46-0-3 2635
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 569A. By Rogers

Mar. 8 42 Read first time. Placed on General File 1027

Mar. 29 55 Advanced for Review 1388
Apr. 3 57 Placed on Select File 1435
Apr. 19 68 Advanced for Engrossment 1793
Apr. 24 71 Correctly Engrossed 1886
May 22 88 Final Reading w/E 45-0-4 2636
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 570. By Robak, Schmit, Hefner

Jan. 18 9 Read first time 275
Jan. 19 10 Referred to Committee on Revenue 319
Jan. 19 10 Baack and Korshoj names added 330
Jan. 30 17 Notice of hearing (2/9) 499
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 571. By Hefner, Korshoj, Dierks

Jan. 18 9 Read first time 275
Jan. 19 10 Referred to Committee on Judiciary 319
Jan. 25 14 Notice of hearing (2/10) 424
Mar. 14 45 Placed on General File - Com AM0795 1135

LEGISLATIVE BILL 572. By Lynch, Chizek, Hartnett, Conway

Jan. 18 9 Read first time 275
Jan. 19 10 Referred to Committee on General Affairs 319
Jan. 30 17 Notice of hearing (3/6) 490
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 573. By Baack

Jan. 18 9 Read first time 276
Jan. 19 10 Referred to Committee on Health and Human Services 319
Jan. 27 16 Notice of hearing (3/1) 481
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 574. By Rogers, Coordsen, Wehrbein, Dierks

Jan. 18 9 Read first time 276
Jan. 19 10 Referred to Committee on Agriculture 319
Jan. 27 16 Notice of hearing (2/14) 479
Mar. 1 37 Placed on General File 930

Mar. 6 40 Rogers priority bill 988
Mar. 8 42 Advanced for Review 1022
Mar. 9 43 Placed on Select File - AM5083 1034
Mar. 22 51 AM5083 (E & R) adopted.
Advanced for Engrossment 1299
Mar. 27 53 Correctly Engrossed 1336
May 22 88 Final Reading w/E 45-1-3 2637
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 574A. By Rogers

Mar. 8 42 Read first time. Placed on General File 1027
Mar. 20 49 Advanced for Review 1234
Mar. 21 50 Placed on Select File 1259
Mar. 22 51 Advanced for Engrossment 1300
Mar. 27 53 Correctly Engrossed 1336
May 22 88 Final Reading w/E 43-0-6 2638
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 575. By Barrett, Dierks, Baack

Jan. 18 9 Read first time 276
Jan. 19 10 Referred to Committee on Education 320
Jan. 27 16 Notice of hearing (3/6) 478
Mar. 13 44 Barrett priority bill 1108
Mar. 14 45 Placed on General File - Com AM0814 1116
Apr. 12 64 Committee AM0814 adopted.
Advanced for Review 1655
Apr. 17 66 Placed on Select File - AM7055 1709
Apr. 24 71 AM7055 (E & R) adopted.
Advanced for Engrossment 1865
Apr. 25 72 Correctly Engrossed 1908
Apr. 25 72 ER6176 change 1909
May 22 88 Final Reading 40-1-8 2639
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 575A. By Barrett

Mar. 21 50 Read first time. Placed on General File 1258

Apr. 12 64 Advanced for Review 1655
Apr. 17 66 Placed on Select File 1710
Apr. 24 71 Advanced for Engrossment 1865
Apr. 25 72 Correctly Engrossed 1908
May 22 88 Final Reading 41-0-8 2640
May 22 88 President signed 2644
May 22 88 Presented to Governor (5/22) 2648
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 576. By Conway, Chizek, Elmer, Pirsch, Beck, Labedz

Jan. 18 9 Read first time 276
Jan. 19 10 Referred to Committee on Transportation 320
Jan. 19 10 Smith name added 330
Jan. 27 16 Notice of hearing (2/27) 469
Mar. 3 39 Indefinitely postponed 980

LEGISLATIVE BILL 577. By Wesely

Jan. 18 9 Read first time 277
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 320
Jan. 27 16 Notice of hearing (2/7) 466
Feb. 23 33 Placed on General File - Com AM0433 849

LEGISLATIVE BILL 578. By Hartnett

Jan. 18 9 Read first time 277
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 320
Jan. 27 16 Notice of hearing (3/13) 467

LEGISLATIVE BILL 579. By Judiciary Committee

Jan. 18 9 Read first time 277
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 27 16 Notice of hearing (2/22) 461
Jan. 30 17 Notice of hearing (3/17) 485
Jan. 31 18 Notice of hearing (3/17) (Cancel) 518
Mar. 30 56 Placed on General File 1404

LEGISLATIVE BILL 580. By Morrissey, Korshoj, Chizek

Jan.	18	9	Read first time	277
Jan.	19	10	Referred to Committee on Education	320
Feb.	1	19	Notice of hearing (3/14)	534
Mar.	15	46	Indefinitely postponed	1157

LEGISLATIVE BILL 581. By R. Johnson

Jan.	18	9	Read first time	278
Jan.	19	10	Referred to Committee on Revenue	320
Feb.	6	22	Notice of hearing (3/9)	604
Mar.	30	56	Placed on General File - Com AM1140	1406

LEGISLATIVE BILL 582. By R. Johnson, Dierks

Jan.	18	9	Read first time	278
Jan.	19	10	Referred to Committee on Agriculture	320
Jan.	27	16	Notice of hearing (2/7)	479
Feb.	8	24	Placed on General File	652
Mar.	30	56	Advanced for Review	1401
Apr.	3	57	Placed on Select File	1441
Apr.	7	61	Advanced for Engrossment	1573
Apr.	11	63	Correctly Engrossed	1649
Apr.	18	67	Final Reading 47-0-2	1741
Apr.	18	67	Speaker signed	1747
Apr.	18	67	Presented to Governor (4/18)	1750
Apr.	20	69	Approved by Governor (4/20)	1810

LEGISLATIVE BILL 582A. By R. Johnson

Feb.	16	30	Read first time. Placed on General File	788
Mar.	30	56	Advanced for Review	1401
Apr.	3	57	Placed on Select File	1441
Apr.	7	61	Advanced for Engrossment	1573
Apr.	11	63	Correctly Engrossed	1649
Apr.	18	67	Final Reading 46-0-3	1742
Apr.	18	67	Speaker signed	1747
Apr.	18	67	Presented to Governor (4/18)	1750
Apr.	20	69	Approved by Governor (4/20)	1810

LEGISLATIVE BILL 583. By Judiciary Committee

Jan.	18	9	Read first time	278
Jan.	19	10	Referred to Committee on Judiciary	320
Jan.	23	12	Notice of hearing (2/9)	390
Mar.	14	45	Indefinitely postponed	1138

LEGISLATIVE BILL 584. By Judiciary Committee

Jan. 18 9 Read first time 278
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 14 45 Indefinitely postponed 1138

LEGISLATIVE BILL 585. By Judiciary Committee

Jan. 18 9 Read first time 278
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 14 45 Indefinitely postponed 1138

LEGISLATIVE BILL 586. By Judiciary Committee

Jan. 18 9 Read first time 279
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 13 44 Kristensen priority bill 1108
Mar. 14 45 Placed on General File - Com AM0640 1138
Mar. 14 45 Kristensen name added 1148
Apr. 12 64 Committee AM0640 adopted. Chambers motion to indefinitely postpone lost. Advanced for Review 1656
Apr. 17 66 Placed on Select File - AM7053 1711
Apr. 24 71 AM7053 (E & R) adopted. Advanced for Engrossment 1875
Apr. 26 73 Correctly Engrossed 1936
May 22 88 Haberman motion to return to Select File for FA294 withdrawn. Final Reading 37-6-6 2641
May 22 88 President signed 2647
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 586A. By Kristensen

Apr. 12 64 Read first time. Placed on General File 1666
Apr. 24 71 Advanced for Review 1884
Apr. 25 72 Placed on Select File 1904
Apr. 26 73 Advanced for Engrossment 1933
Apr. 27 74 Correctly Engrossed 1978
May 22 88 Final Reading 37-7-5 2642

May 22 88 President signed 2647
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 587. By Schmit, Baack, Weihing, Robak, Wehrbein, Morrissey

Jan. 18 9 Read first time 279
Jan. 19 10 Referred to Committee on Natural Resources 320
Jan. 26 15 Notice of hearing (2/2) 450
Feb. 7 23 Placed on General File - Com AM0226 612
Feb. 28 36 Haberman AM0603 (1) printed 896
Feb. 28 36 Haberman AM0604 (2), AM0607 (3), ... 896
and AM0606 (4) printed 897
Feb. 28 36 Haberman AM0619 (5) printed 899
Mar. 6 40 Schmit AM0721 to AM0603, AM0718 to AM0604, AM0726 to AM0607 and AM0720 to AM0606 printed 999
Mar. 8 42 Committee AM0226 adopted. Schmit pending AM0721 p. 999 to AM0603 adopted 1025
Mar. 8 42 Haberman pending AM0603 (1) p. 896 adopted as amended. Haberman pending AM0604 (2) p. 897 adopted as amended by Schmit pending AM0718 p. 999. Haberman pending AM0607 (3) p. 897 adopted as amended by Schmit pending AM0726 p. 999. Schmit pending AM0720 p. 999 withdrawn. Haberman pending AM0606 (4) p. 897 and pending AM0619 (5) p. 899 adopted. Advanced for Review 1026
Mar. 13 44 Placed on Select File - AM5088 1059
Mar. 21 50 Haberman AM0953 printed 1254
Mar. 27 53 AM5088 (E & R) adopted. Haberman pending AM0953 p. 1254 adopted. Advanced for Engrossment 1361
Apr. 3 57 Correctly Engrossed 1457
Apr. 6 60 Final Reading w/E 39-0-10 1544
Apr. 6 60 President signed 1546
Apr. 6 60 Presented to Governor (4/6) 1554
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 588. By Chambers

Jan. 18 9 Read first time 279
Jan. 19 10 Referred to Committee on Government,

Military and Veterans Affairs 320
Feb. 1 19 Notice of hearing (2/22) 535
Mar. 9 43 Placed on General File - Com AM0777 1049
(printed separate)
Mar. 13 44 Chambers priority bill 1082
Mar. 29 55 Labedz AM1125 to committee amendment
adopted. Smith motion to reconsider
Labedz AM1125 pending 1393
Apr. 3 57 Hartnett-Withem AM1188 to AM1125 printed .. 1448
Apr. 3 57 Hartnett AM1187 to committee
amendment printed 1462
Apr. 6 60 Korshoj AM1262 printed 1550
Apr. 10 62 Smith pending motion p. 1395 pending 1598
Apr. 10 62 Smith pending motion p. 1395 prevailed.
Committee AM0777 lost as amended by
Labedz reconsidered AM1125 p. 1393.
Conway motion to indefinitely postpone
laid over 1601
Apr. 11 63 Chambers AM1339 printed separate 1645
Apr. 24 71 Hall AM1475 to AM1339 printed 1879
Apr. 25 72 Ashford AM1272 printed 1914
Apr. 27 74 Passed over 1979
May 2 75 Conway pending motion p. 1602 withdrawn.
Korshoj pending AM1262 p. 1550 adopted.
Chambers AM1339 p. 1645 adopted as
amended by Hall pending AM1475 p. 1879.
Hartnett-Withem pending AM1188 p. 1448,
Hartnett pending AM1187 p. 1462 and
Ashford pending AM1272 p. 1914 withdrawn.
Advanced for Review 2027
May 2 75 Withem-Hartnett AM1653 printed 2042
May 5 78 Placed on Select File - AM7067 2121
(printed separate)
May 8 79 Hall AM1671 to AM7067 printed 2176
May 9 80 Withem-Hartnett AM1749 to AM7067
printed 2218
May 9 80 Labedz AM1743 to AM7067 printed 2223
May 9 80 Labedz AM1744 to AM7067 printed 2225
May 9 80 Labedz AM1764 to AM7067 printed 2228
May 10 81 AM7067 (E & R) adopted. Withem-Hartnett
request to substitute amendment
prevailed. Withem-Hartnett pending
AM1653 p. 2042 withdrawn. Withem-
Hartnett substitute pending AM1749
p. 2218 adopted. Hall pending AM1671

p. 2176 withdrawn. Labedz pending AM1743 p. 2223 pending 2272
May 10 81 Labedz pending AM1743 p. 2223 and pending AM1744 p. 2225 lost. Labedz pending AM1764 p. 2228 pending 2288
May 17 85 Labedz AM1852 printed 2447
May 18 86 Labedz pending AM1764 p. 2228 lost. Labedz request to substitute motion to indefinitely postpone with amendment prevailed. Labedz substitute AM1852 p. 2447 lost. Labedz motion to bracket until 1/3/90 lost. Labedz FA288 withdrawn. Advanced for Engrossment 2533
May 19 87 Correctly Engrossed 2567
May 19 87 ER6216 change 2568
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Ashford motion to return to Select File for FA304 withdrawn. Final Reading 26-17-6 2710
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Returned by Governor without approval (5/26) . 2790

LEGISLATIVE BILL 589. By R. Johnson, Lamb

Jan. 18 9 Read first time 279
Jan. 19 10 Referred to Committee on Agriculture 320
Jan. 27 16 Notice of hearing (2/21) 479
Mar. 1 37 Indefinitely postponed 933

LEGISLATIVE BILL 590. By Baack, Withem

Jan. 18 9 Read first time 280
Jan. 19 10 Referred to Committee on Education 320
Jan. 27 16 Notice of hearing (2/14) 478

LEGISLATIVE BILL 591. By Schmit, Schellpeper, Labedz

Jan. 18 9 Read first time 280
Jan. 19 10 Referred to Committee on General Affairs 320
Jan. 30 17 Notice of hearing (3/13) 491
Mar. 13 44 Goodrich priority bill 1108
Mar. 27 53 Placed on General File - Com AM1031 1353
Apr. 18 67 Committee AM1031 adopted as amended by Smith AM1394. Advanced for Review 1760

Apr. 18 67 Expedited 1761
Apr. 19 68 Placed on Select File - AM7062 1795
(printed separate)
Apr. 20 69 AM7062 (E & R) adopted.
Advanced for Engrossment 1798
Apr. 20 69 Correctly Engrossed 1802
May 2 75 Final Reading w/E 42-2-5 2022
May 2 75 Speaker signed 2025
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 591A. By Schmit

Apr. 20 69 Read first time. Placed on General File 1802
Apr. 24 71 Advanced for Review 1884
Apr. 25 72 Placed on Select File 1904
Apr. 26 73 Advanced for Engrossment 1933
Apr. 26 73 Correctly Engrossed 1936
Apr. 27 74 Schmit motion to suspend rules and permit
Final Reading on 5/2/89 printed 1977
May 2 75 Schmit pending motion p. 1977 prevailed 2022
May 2 75 Final Reading w/E 41-2-6 2024
May 2 75 Speaker signed 2025
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 592. By Abboud, Beck, Moore

Jan. 18 9 Read first time 280
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 27 16 Notice of hearing (2/15) 460
Feb. 21 31 Placed on General File 799
Mar. 9 43 Abboud priority bill 1057
Mar. 20 49 Ashford FA79 and FA80 ruled not germane.
Challenge of Chair lost. Pending 1223
Mar. 20 49 Chambers motion to indefinitely
postpone lost. Pending 1227
Mar. 20 49 Chambers motion to bracket until 4/25
lost. Advanced for Review 1230
Mar. 21 50 Placed on Select File - AM5097 1257
Apr. 3 57 AM5097 (E & R) adopted. Chambers motion
to indefinitely postpone lost. Schmit
motion to bracket until 4/17/89 pending 1427
Apr. 3 57 Schmit pending motion p. 1428 lost.
Advanced for Engrossment 1430

Apr. 6 60 Correctly Engrossed. ER6151 change 1539
Apr. 11 63 Final Reading 32-7-10 1631
Apr. 11 63 Speaker signed 1635
Apr. 11 63 Presented to Governor (4/11) 1637
Apr. 17 66 Approved by Governor (4/17) 1736

LEGISLATIVE BILL 593. By Lynch, Hannibal, Labedz

Jan. 18 9 Read first time 280
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 320
Jan. 27 16 Notice of hearing (3/6) 467

LEGISLATIVE BILL 594. By L. Johnson, Ashford, Pirsch, Abboud

Jan. 18 9 Read first time 281
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 30 17 Notice of hearing (3/15) 485
Mar. 7 41 Smith name added 1018
Mar. 21 50 Placed on General File - Com AM0957 1263

LEGISLATIVE BILL 595. By Lynch, Wesely

Jan. 18 9 Read first time 281
Jan. 19 10 Referred to Committee on Health and Human Services 320
Jan. 27 16 Notice of hearing (3/3) 481
Mar. 1 37 Attorney General's Opinion #89011 to Lynch 919
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 596. By Chambers

Jan. 18 9 Read first time 281
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 25 14 Notice of hearing (2/3) 424
Jan. 26 15 Notice of hearing (2/22) (Reset) 452

LEGISLATIVE BILL 597. By Abboud

Jan. 18 9 Read first time 281
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 320
Jan. 27 16 Notice of hearing (2/6) 466
Feb. 9 25 Placed on General File - Com AM0310 681
Mar. 14 45 Abboud AM0848 printed 1140

Mar. 21 50 Abboud AM0985 printed 1255

LEGISLATIVE BILL 598. By Warner

Jan. 18 9 Read first time 293
Jan. 19 10 Referred to Committee on Banking, Commerce and Insurance 320
Jan. 27 16 Notice of hearing (2/7) 466
Feb. 9 25 Placed on General File - Com AM0293 681

LEGISLATIVE BILL 599. By Warner

Jan. 18 9 Read first time 294
Jan. 19 10 Referred to Committee on Revenue 320
Feb. 6 22 Notice of hearing (3/15) 604
Mar. 23 52 Indefinitely postponed 1324

LEGISLATIVE BILL 600. By L. Johnson

Jan. 19 10 Read first time 298
Jan. 24 13 Referred to Committee on Appropriations 405
Feb. 2 20 Notice of hearing (2/16) 566

LEGISLATIVE BILL 601. By Withem

Jan. 19 10 Read first time 298
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 405
Feb. 1 19 Notice of hearing (2/9) 535
Feb. 16 30 Placed on General File - Com AM0374 780
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 602. By Warner, Hartnett

Jan. 19 10 Read first time 298
Jan. 24 13 Referred to Committee on Appropriations 405
Feb. 2 20 Notice of hearing (2/28) 572
Apr. 21 70 Placed on General File 1843

LEGISLATIVE BILL 603. By Hartnett, Chambers, Schmit, Landis, Labedz, Bernard-Stevens, Barrett, Baack, Crosby, Moore, Peterson, Schellpeper

Jan. 19 10 Read first time 298
Jan. 24 13 Referred to Committee on Judiciary 405

Jan.	30	17	Notice of hearing (2/23)	484
Feb.	3	21	Coordsen name added	597
Mar.	13	44	Hartnett priority bill	1082
Mar.	15	46	Placed on General File - Com AM0805	1157
Apr.	13	65	Committee AM0805 adopted. Advanced for Review	1676
Apr.	17	66	Placed on Select File - AM7058	1730
Apr.	20	69	Wesely AM1466 printed	1817
Apr.	21	70	Wesely AM1499 printed	1851
Apr.	24	71	Abboud AM1530 printed	1882
Apr.	26	73	AM7058 (E & R) adopted. Wesely pending AM1466 p. 1817 and AM1499 p. 1851 withdrawn. Abboud motion to suspend rules and consider AM1530 prevailed. Abboud pending AM1530 p. 1882 and Kristensen-Hartnett AM1584 adopted. Advanced for Engrossment	1947
Apr.	27	74	Abboud name added	1988
May	2	75	Correctly Engrossed	1990
May	2	75	ER6178 change	1991
May	22	88	Final Reading 45-1-3	2643
May	22	88	President signed	2647
May	22	88	Presented to Governor (5/22)	2660
May	31	AJ	Returned by Governor without approval (5/26)	2789

LEGISLATIVE BILL 603A. By Hartnett

Apr.	4	58	Read first time. Placed on General File	1485
Apr.	13	65	Advanced for Review	1676
Apr.	17	66	Placed on Select File	1731
Apr.	26	73	Hartnett AM1573 adopted. Advanced for Engrossment	1949
May	2	75	Correctly Engrossed	1990
May	22	88	Final Reading 42-1-6	2644
May	22	88	President signed	2647
May	22	88	Presented to Governor (5/22)	2660
May	31	AJ	Returned by Governor without approval (5/26)	2789

LEGISLATIVE BILL 604. By Landis

Jan.	19	10	Read first time	299
Jan.	24	13	Referred to Committee on Government, Military and Veterans Affairs	405
Feb.	1	19	Notice of hearing (3/2)	536
Mar.	8	42	Placed on General File - Com AM0743	1023

LEGISLATIVE BILL 605. By Landis

Jan. 19 10 Read first time 299
Jan. 24 13 Referred to Committee on Business and Labor 405
Jan. 26 15 Notice of hearing (2/13) 456
Mar. 6 40 Indefinitely postponed (Incorrect report) 996
Mar. 7 41 Corrected report - Placed on General File 1009
Mar. 30 56 Advanced for Review 1413
Apr. 6 60 Placed on Select File 1536
Apr. 7 61 Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 43-0-6 1827
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 606. By Landis

Jan. 19 10 Read first time 299
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 405
Jan. 27 16 Notice of hearing (2/28) 467
Feb. 23 33 Landis AM0545 printed 859
Mar. 2 38 Placed on General File - Com AM0571 957
Mar. 13 44 Schimek priority bill 1082
Mar. 29 55 Committee AM0571 adopted. Landis pending AM0545 p. 859 withdrawn. Advanced for Review 1388
Apr. 3 57 Placed on Select File - AM7006 1435
Apr. 19 68 AM7006 (E & R) adopted. Advanced for Engrossment 1794
Apr. 24 71 Correctly Engrossed 1886
May 2 75 Landis motion to return to Select File for FA202 withdrawn 2017
May 2 75 Final Reading 44-0-5 2018
May 2 75 Speaker signed 2023
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 607. By Landis

Jan. 19 10 Read first time 299
Jan. 24 13 Referred to Committee on Revenue 405
Jan. 25 14 Notice of hearing (2/2) 425

Feb. 10 26 Placed on General File - Com AM0307 690

LEGISLATIVE BILL 608. By Kristensen

Jan. 19 10 Read first time 299
Jan. 24 13 Referred to Committee on Transportation 405
Jan. 27 16 Notice of hearing (2/6) 469
Feb. 8 24 Placed on General File 646
Mar. 30 56 Advanced for Review 1411
Apr. 3 57 Placed on Select File - AM7014 1443
Apr. 7 61 AM7014 (E & R) adopted.
Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
Apr. 18 67 Final Reading 47-0-2 1742
Apr. 18 67 Speaker signed 1747
Apr. 18 67 Presented to Governor (4/18) 1750
Apr. 20 69 Approved by Governor (4/20) 1810

LEGISLATIVE BILL 609. By Elmer

Jan. 19 10 Read first time 300
Jan. 24 13 Referred to Committee on Government,
Military and Veterans Affairs 405
Feb. 1 19 Notice of hearing (3/17) 536
Mar. 7 41 Elmer motion to withdraw laid over 1017
Mar. 8 42 Elmer pending motion p. 1017
prevailed. Withdrawn 1021
Mar. 8 42 Notice of hearing (3/17) (Cancel) 1029

LEGISLATIVE BILL 610. By Smith

Jan. 19 10 Read first time 300
Jan. 24 13 Referred to Committee on Health and
Human Services 405
Jan. 25 14 Notice of hearing (2/2) 442
Feb. 10 26 Placed on General File - Com AM0155 691

LEGISLATIVE BILL 611. By Moore

Jan. 19 10 Read first time 300
Jan. 24 13 Referred to Committee on Revenue 405
Jan. 31 18 Notice of hearing (2/16) 517
Mar. 9 43 Moore priority bill 1044
Mar. 9 43 R. Johnson name added 1057
Mar. 13 44 Placed on General File - Com AM0783 1092

(printed separate)
Apr. 4 58 Bernard-Stevens name added 1490
Apr. 5 59 Moore AM1222 to committee amendment printed 1531
Apr. 10 62 Committee AM0783 adopted as amended by Moore AM1222 p. 1531 and Warner FA152. Haberman FA151 lost. Advanced for Review 1613
Apr. 13 65 Placed on Select File - AM7050 1703
Apr. 19 68 Warner FA177 to AM1222 printed 1796
Apr. 20 69 AM7050 (E & R) adopted. Warner pending FA177 p. 1796 lost. Advanced for Engrossment 1812
Apr. 25 72 Correctly Engrossed 1908
Apr. 25 72 ER6171 change 1909
May 22 88 Abboud motion to bracket until 1/3/90 withdrawn. Final Reading 35-12-2 2645
May 22 88 President signed 2647
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Became law without Governor's signature (5/26) 2796
May 31 AJ Message from Secretary of State 2798
May 31 AJ Certificate 2799

LEGISLATIVE BILL 611A. By Moore

Apr. 20 69 Read first time. Placed on General File 1821
Apr. 25 72 Advanced for Review 1895
Apr. 25 72 Placed on Select File 1904
Apr. 26 73 Advanced for Engrossment 1933
Apr. 27 74 Correctly Engrossed 1978
May 22 88 Final Reading 35-10-4 2646
May 22 88 President signed 2647
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Became law without Governor's signature (5/26) 2796
May 31 AJ Message from Secretary of State 2798
May 31 AJ Certificate 2799

LEGISLATIVE BILL 612. By Moore

Jan. 19 10 Read first time 300
Jan. 24 13 Referred to Committee on Education 405
Jan. 24 13 Notice of hearing (1/31) 415
Feb. 1 19 Indefinitely postponed 542

LEGISLATIVE BILL 613. By Schellpeper

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 405
Jan. 27 16 Notice of hearing (3/14) 467
Mar. 16 47 Indefinitely postponed 1185

LEGISLATIVE BILL 614. By Schellpeper

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Health and Human Services 405
Jan. 27 16 Notice of hearing (3/1) 481
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 615. By Schmit

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Agriculture 405
Jan. 27 16 Notice of hearing (2/21) 479
Feb. 6 22 Notice of hearing (2/14) (Reset) 605
Feb. 16 30 Indefinitely postponed 775

LEGISLATIVE BILL 616. By Schmit

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 14 28 Notice of hearing (2/24) 738
Mar. 1 37 Placed on General File - Com AM0636 918

LEGISLATIVE BILL 617. By Schmit

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 2 20 Notice of hearing (2/10) 565
Mar. 13 44 Placed on General File 1080

LEGISLATIVE BILL 618. By Dierks, Baack, Pirsch, Schellpeper, McFarland

Jan. 19 10 Read first time 301
Jan. 24 13 Referred to Committee on Education 405
Jan. 27 16 Notice of hearing (2/6) 477

LEGISLATIVE BILL 619. By Natural Resources Committee

Jan. 19 10 Read first time 302
Jan. 24 13 Referred to Committee on Natural Resources 405
Jan. 27 16 Notice of hearing (2/3) 468
Feb. 6 22 Placed on General File 603
Feb. 24 34 Advanced for Review 876
Mar. 1 37 Placed on Select File 917
Mar. 14 45 Advanced for Engrossment 1142
Mar. 16 47 Correctly Engrossed 1189
Mar. 23 52 Final Reading 39-0-10 1307
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 620. By Natural Resources Committee

Jan. 19 10 Read first time 302
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 14 28 Notice of hearing (2/24) 738

LEGISLATIVE BILL 621. By Natural Resources Committee

Jan. 19 10 Read first time 302
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 8 24 Notice of hearing (2/15) 646
Mar. 14 45 Indefinitely postponed 1126

LEGISLATIVE BILL 622. By Natural Resources Committee

Jan. 19 10 Read first time 302
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 8 24 Notice of hearing (2/15) 646
Mar. 14 45 Indefinitely postponed 1126

LEGISLATIVE BILL 623. By Natural Resources Committee

Jan. 19 10 Read first time 303
Jan. 24 13 Referred to Committee on Natural Resources 405
Jan. 27 16 Notice of hearing (2/3) 468
Feb. 6 22 Placed on General File 603
Feb. 24 34 Advanced for Review 876
Mar. 1 37 Placed on Select File 917
Mar. 14 45 Advanced for Engrossment 1142
Mar. 17 48 Correctly Engrossed 1206
Mar. 17 48 ER6137 change 1207

Mar. 23 52 Final Reading 42-0-7 1308
Mar. 23 52 Speaker signed 1312
Mar. 23 52 Presented to Governor (3/23) 1317
Mar. 27 53 Approved by Governor (3/27) 1350

LEGISLATIVE BILL 624. By Warner, Wehrbein

Jan. 19 10 Read first time 303
Jan. 20 11 Coordsen name added 366
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 405
Jan. 27 16 Notice of hearing (3/7) 467

LEGISLATIVE BILL 625. By Natural Resources Committee

Jan. 19 10 Read first time 303
Jan. 24 13 Referred to Committee on Natural Resources 405
Feb. 14 28 Notice of hearing (2/24) 738

LEGISLATIVE BILL 626. By Kristensen

Jan. 19 10 Read first time 304
Jan. 24 13 Referred to Committee on Judiciary 405
Jan. 27 16 Notice of hearing (2/15) 460
Jan. 30 17 Notice of hearing (3/17) (Reset) 485
Jan. 31 18 Notice of hearing (2/15) (Cancel) 518
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 627. By Kristensen

Jan. 19 10 Read first time 304
Jan. 24 13 Referred to Committee on Judiciary 405
Jan. 30 17 Notice of hearing (3/15) 485
Mar. 21 50 Placed on General File 1263
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File 1538
Apr. 7 61 Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 38-2-9 1828
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 628. By Robak, Schmit

Jan. 19 10 Read first time 304
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 405
Feb. 1 19 Notice of hearing (2/24) 535
Mar. 3 39 Placed on General File - Com AM0492 960
Mar. 13 44 Robak priority bill 1109
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 14 45 Robak AM0764 to committee amendment printed 1147
Mar. 29 55 Committee AM0492 adopted as amended by Robak pending AM0764 p. 1147. Advanced for Review 1388
Apr. 3 57 Placed on Select File - AM7005 1435
Apr. 19 68 AM7005 (E & R) adopted. Wesely-Morrissey motion to indefinitely postpone pending. Bracketed until 4/26/89 1794

LEGISLATIVE BILL 629. By Schmit

Jan. 19 10 Read first time 304
Jan. 24 13 Referred to Committee on Revenue 405
Jan. 25 14 Notice of hearing (2/1) 425
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 630. By Business and Labor Committee

Jan. 19 10 Read first time 304
Jan. 24 13 Referred to Committee on Business and Labor 405
Jan. 26 15 Notice of hearing (3/6) 456
Mar. 13 44 Placed on General File 1067
Mar. 13 44 Business and Labor Committee priority bill 1108
Apr. 5 59 Advanced for Review 1531
Apr. 10 62 Placed on Select File 1621
May 9 80 Advanced for Engrossment 2252
May 11 82 Correctly Engrossed 2317
May 22 88 Final Reading 41-1-7 2648
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 631. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Government,

Military and Veterans Affairs 405
Jan. 25 14 Notice of hearing (2/2) 446
Feb. 15 29 Indefinitely postponed 748

LEGISLATIVE BILL 632. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Nebraska Retirement Systems 405
Jan. 26 15 Notice of hearing (2/2) 456
Feb. 14 28 Placed on General File - Com AM0268 731
Mar. 9 43 Withem AM0707 printed 1053

LEGISLATIVE BILL 633. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Urban Affairs 405
Jan. 27 16 Notice of hearing (2/28) 468
Feb. 14 28 Attorney General's Opinion #89007 to Baack 733
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 634. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Revenue 405
Jan. 31 18 Notice of hearing (2/15) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 635. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 405
Feb. 1 19 Notice of hearing (2/10) 535
Feb. 21 31 Indefinitely postponed 793

LEGISLATIVE BILL 636. By Baack

Jan. 19 10 Read first time 305
Jan. 24 13 Referred to Committee on Business and Labor 405
Jan. 26 15 Notice of hearing (3/6) 456

LEGISLATIVE BILL 637. By Baack

Jan. 19 10 Read first time 306

Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Jan. 25 14 Notice of hearing (2/2) 446
Feb. 15 29 Placed on General File 748
Mar. 16 47 Withem AM0878 printed separate and AM0877 printed 1191
Mar. 30 56 Withem pending AM0877 p. 1191 withdrawn. Withem pending AM0878 p. 1191 adopted. Advanced for Review 1403
Apr. 3 57 Placed on Select File - AM7011 1441
Apr. 7 61 AM7011 (E & R) adopted. Advanced for Engrossment 1574
Apr. 11 63 Correctly Engrossed 1649
Apr. 18 67 Final Reading 33-15-1 1743
Apr. 18 67 Speaker signed 1747
Apr. 18 67 Presented to Governor (4/18) 1750
Apr. 20 69 Approved by Governor (4/20) 1810

LEGISLATIVE BILL 638. By Baack, Withem

Jan. 19 10 Read first time 306
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Feb. 1 19 Notice of hearing (2/22) 535
Mar. 6 40 Placed on General File - Com AM0701 988
Mar. 28 54 Withem-Bernard Stevens-Baack AM1110 printed 1376

LEGISLATIVE BILL 639. By Government, Military and Veterans Affairs Committee

Jan. 19 10 Read first time 306
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Feb. 1 19 Notice of hearing (2/16) 535
Feb. 21 31 Placed on General File 793
Mar. 9 43 Government, Military and Veterans Affairs Committee priority bill 1057
May 3 76 Baack AM1576 printed 2055
May 11 82 Baack pending AM1576 p. 2055 withdrawn. R. Johnson motion to suspend rules to permit consideration of AM1796 (on file) withdrawn. Advanced for Review 2303
May 15 83 Placed on Select File - AM7080 2333
May 18 86 AM7080 (E & R) adopted. Wesely motion

to indefinitely postpone withdrawn.
Advanced for Engrossment 2526
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Wesely motion to return to Select File for FA300 withdrawn.
Final Reading 36-8-5 2669
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 640. By Government, Military and Veterans Affairs Committee

Jan. 19 10 Read first time 306
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Feb. 1 19 Notice of hearing (2/10) 535
Feb. 23 33 Placed on General File - Com AM0497 854
Mar. 9 43 Government, Military and Veterans Affairs Committee priority bill 1057
Apr. 5 59 Committee AM0497 adopted.
Advanced for Review 1521
Apr. 10 62 Placed on Select File - AM7046 1620
May 3 76 Baack AM1625 printed 2057
May 11 82 AM7046 (E & R) adopted. Baack pending AM1625 p. 2057 adopted.
Advanced for Engrossment 2316
May 15 83 Correction 2319
May 15 83 Correctly Engrossed. ER6191 change 2365
May 22 88 Final Reading w/E 40-3-6 2649
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 641. By Schmit

Jan. 19 10 Read first time 307
Jan. 24 13 Referred to Committee on General Affairs 406
Jan. 30 17 Notice of hearing (3/13) 491
May 10 81 Placed on General File - Com AM1768 2280

LEGISLATIVE BILL 642. By Ashford

Jan. 19 10 Read first time 307

Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/9) 485
Apr. 6 60 Ashford motion to place on General File laid over 1554
Apr. 12 64 Ashford pending motion p. 1554 withdrawn 1654
Apr. 12 64 Placed on General File - Com AM1368 1657

LEGISLATIVE BILL 643. By Bernard-Stevens

Jan. 19 10 Read first time 307
Jan. 24 13 Referred to Committee on Revenue 406
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 10 26 Placed on General File - Com AM0322 703
Mar. 13 44 Bernard-Stevens priority bill 1082
Mar. 15 46 Committee AM0322 adopted. Advanced for Review 1162
Mar. 20 49 Placed on Select File 1225
Apr. 3 57 Schmit AM1132 adopted as amended by Hall FA130. Advanced for Engrossment 1426
Apr. 6 60 Correctly Engrossed 1539
Apr. 11 63 Final Reading w/E 42-1-6 1632
Apr. 11 63 Speaker signed 1635
Apr. 11 63 Presented to Governor (4/11) 1637
Apr. 17 66 Approved by Governor (4/17) 1736

LEGISLATIVE BILL 644. By Wesely

Jan. 19 10 Read first time 307
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Jan. 25 14 Notice of hearing (2/1) 446
Feb. 7 23 Indefinitely postponed 611

LEGISLATIVE BILL 645. By Wesely

Jan. 19 10 Read first time 307
Jan. 24 13 Referred to Committee on Appropriations 406
Feb. 2 20 Notice of hearing (2/16) 566

LEGISLATIVE BILL 646. By Schellpeper, Nelson, Baack

Jan. 19 10 Read first time 307
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 25 14 Smith name added 447

Jan. 27 16 Notice of hearing (3/8) 481
Mar. 13 44 Placed on General File - Com AM0786 1106
Mar. 13 44 L. Johnson priority bill 1109
Apr. 6 60 Schellpeper AM1287 to committee amendment printed 1555
Apr. 6 60 Committee AM0786 adopted as amended by Schellpeper pending AM1287 p. 1555. Advanced for Review 1562
Apr. 10 62 Placed on Select File - AM7048 1622
Apr. 20 69 AM7048 (E & R) adopted. Advanced for Engrossment 1801
Apr. 25 72 Correctly Engrossed 1899
May 2 75 Final Reading 46-0-3 2020
May 2 75 Speaker signed 2023
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 647. By Wesely

Jan. 19 10 Read first time 308
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 406
Jan. 27 16 Notice of hearing (3/13) 467

LEGISLATIVE BILL 648. By Health and Human Services Committee

Jan. 19 10 Read first time 309
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 27 16 Notice of hearing (2/24) 481
Mar. 7 41 Placed on General File - Com AM0727 1012

LEGISLATIVE BILL 649. By Conway

Jan. 19 10 Read first time 309
Jan. 24 13 Referred to Committee on Transportation 406
Jan. 27 16 Notice of hearing (3/7) 470
Mar. 16 47 Indefinitely postponed 1187

LEGISLATIVE BILL 650. By Scofield

Jan. 19 10 Read first time 310
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/1) 484

LEGISLATIVE BILL 651. By Hall

Jan. 19 10 Read first time 310
Jan. 24 13 Referred to Committee on Education 406
Jan. 27 16 Notice of hearing (2/14) 478
Mar. 1 37 Placed on General File - Com AM0654 935
Mar. 13 44 Education Committee priority bill 1069
Apr. 5 59 Committee AM0654 adopted.
Advanced for Review 1529
Apr. 10 62 Placed on Select File - AM7041 1620
May 18 86 AM7041 (E & R) adopted. Hall-Withem- 2502
Warner AM1910 (on file) adopted.
Advanced for Engrossment 2521
May 18 86 Correctly Engrossed. ER6210 change 2548
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 49-0-0 2711
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 651A. By Hall

Apr. 5 59 Read first time. Placed on General File 1518
Apr. 13 65 Advanced for Review 1676
Apr. 17 66 Placed on Select File 1730
May 17 85 Warner-Hall-Withem AM1911 printed 2496
May 18 86 Warner-Hall-Withem pending AM1911
p. 2496 adopted. Advanced for Engrossment .. 2521
May 18 86 Warner FA287 printed 2531
May 18 86 Warner AM1945 printed 2537
May 18 86 Correctly Engrossed 2548
May 18 86 ER6209 change 2550
May 19 87 Warner pending FA287 p. 2531 withdrawn.
Returned to Select File for Warner
amendment. Warner pending AM1945
p. 2537 adopted. Advanced for
Re-Engrossment 2602
May 19 87 Correctly Re-Engrossed 2604
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 48-0-1 2712
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 652. By Hall

Jan.	19	10	Read first time	310
Jan.	24	13	Referred to Committee on Business and Labor	406
Jan.	26	15	Notice of hearing (3/6)	456
Mar.	13	44	Indefinitely postponed	1069

LEGISLATIVE BILL 653. By Hall

Jan.	19	10	Read first time	310
Jan.	24	13	Referred to Committee on Revenue	406
Jan.	31	18	Notice of hearing (3/1)	518
Mar.	7	41	Placed on General File - Com AM0734	1016
Mar.	9	43	Revenue Committee priority bill	1057
Apr.	5	59	Committee AM0734 adopted. Advanced for Review	1531
Apr.	10	62	Hall AM1324 printed	1601
Apr.	10	62	Placed on Select File - AM7044	1621
May	9	80	Hall AM1765 printed separate	2245
May	10	81	Kristensen AM1770 printed	2284
May	11	82	AM7044 (E & R) adopted	2317
May	15	83	Hall pending AM1324 p. 1601 and Kristensen pending AM1770 p. 2284 adopted. Hall pending AM1765 p. 2245 withdrawn. Advanced for Engrossment	2353
May	16	84	Kristensen name added	2406
May	16	84	Correctly Engrossed	2413
May	16	84	ER6198 change	2414
May	22	88	Final Reading w/E 43-0-6	2650
May	22	88	Speaker signed	2656
May	22	88	Presented to Governor (5/22)	2660
May	31	AJ	Approved by Governor (5/26)	2787

LEGISLATIVE BILL 653A. By Hall

Mar.	13	44	Read first time. Placed on General File	1100
Apr.	5	59	Advanced for Review	1531
Apr.	10	62	Placed on Select File	1621
May	15	83	Advanced for Engrossment	2353
May	16	84	Correctly Engrossed	2413
May	22	88	Final Reading 45-0-4	2651
May	22	88	Speaker signed	2656
May	22	88	Presented to Governor (5/22)	2660
May	31	AJ	Approved by Governor (5/26)	2787

LEGISLATIVE BILL 654. By Hall

Jan. 19 10 Read first time 310
Jan. 24 13 Referred to Committee on Revenue 406
Jan. 31 18 Notice of hearing (2/16) 517
Feb. 27 35 Indefinitely postponed 891

LEGISLATIVE BILL 655. By Hall

Jan. 19 10 Read first time 310
Jan. 24 13 Referred to Committee on Revenue 406
Feb. 6 22 Notice of hearing (3/2) 604
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 656. By Nelson

Jan. 19 10 Read first time 311
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 406
Jan. 27 16 Notice of hearing (2/28) 467
May 4 77 Placed on General File - AM1677 ..... 2106 (printed separate)

LEGISLATIVE BILL 657. By Bernard-Stevens

Jan. 19 10 Read first time 311
Jan. 24 13 Referred to Committee on Revenue 406
Jan. 31 18 Notice of hearing (2/16) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 658. By Bernard-Stevens

Jan. 19 10 Read first time 311
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/8) 485

LEGISLATIVE BILL 659. By Lynch, Hall

Jan. 19 10 Read first time 311
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 25 14 Notice of hearing (2/8) 443
Feb. 16 30 Placed on General File - Com AM0383 786

LEGISLATIVE BILL 660. By Lynch, Withem, Hartnett, Chizek, Conway, Hall

Jan. 19 10 Read first time 312
Jan. 24 13 Referred to Committee on General Affairs 406
Jan. 30 17 Notice of hearing (3/6) 490
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 661. By Beyer

Jan. 19 10 Read first time 312
Jan. 24 13 Referred to Committee on Revenue 406
Feb. 6 22 Notice of hearing (3/2) 604
Mar. 6 40 Indefinitely postponed 998

LEGISLATIVE BILL 662. By Scofield, Chizek, Coordsen, Wesely, Landis, Barrett, Moore, Smith, Baack, Labedz, Pirsch

Jan. 19 10 Read first time 313
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 27 16 Notice of hearing (2/22) 479
Mar. 13 44 Placed on General File - Com AM0785 1106
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 663. By Scofield, Pirsch, Coordsen, Wesely, Landis, Moore, Barrett, Baack, Smith, Bernard-Stevens, Labedz

Jan. 19 10 Read first time 313
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 406
Feb. 1 19 Notice of hearing (3/3) 536
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 22 51 Placed on General File - Com AM0830 1289

LEGISLATIVE BILL 664. By Scofield, Chizek, Pirsch, Wesely, Landis, Labedz, Smith, Baack

Jan. 19 10 Read first time 313
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 27 16 Notice of hearing (2/22) 479

LEGISLATIVE BILL 665. By Scofield, Pirsch, Wesely, Barrett, Landis, Smith, Baack, Labedz

Jan. 19 10 Read first time 314

Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 27 16 Notice of hearing (2/22) 479
Mar. 17 48 Indefinitely postponed 1197

LEGISLATIVE BILL 666. By Scofield, Baack, Smith, Labedz

Jan. 19 10 Read first time 314
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 25 14 Notice of hearing (2/10) 443

LEGISLATIVE BILL 667. By Lamb

Jan. 19 10 Read first time 314
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 27 16 Notice of hearing (2/15) 461

LEGISLATIVE BILL 668. By Hall

Jan. 19 10 Read first time 314
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/8) 485

LEGISLATIVE BILL 669. By Hall

Jan. 19 10 Read first time 314
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/8) 485
Mar. 13 44 Placed on General File 1081
Mar. 30 56 Advanced for Review 1414
Apr. 6 60 Placed on Select File 1536
Apr. 7 61 Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 40-0-9 1829
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 670. By Withem

Jan. 19 10 Read first time 315
Jan. 24 13 Referred to Committee on Urban Affairs 406
Jan. 27 16 Notice of hearing (2/21) 468
Feb. 27 35 Indefinitely postponed 886

LEGISLATIVE BILL 671. By Withem

Jan. 19 10 Read first time 315
Jan. 24 13 Referred to Committee on Urban Affairs 406
Jan. 27 16 Notice of hearing (2/28) 468
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 672. By Scofield, Coordsen, Hall, Dierks

Jan. 19 10 Read first time 315
Jan. 23 12 Korshoj name added 403
Jan. 24 13 Referred to Committee on Appropriations 406
Feb. 2 20 Notice of hearing (3/13) 571

LEGISLATIVE BILL 673. By Chizek

Jan. 19 10 Read first time 315
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/9) 485

LEGISLATIVE BILL 674. By Pirsch, Nelson, Crosby, Peterson, Beck

Jan. 19 10 Read first time 315
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/16) 485

LEGISLATIVE BILL 675. By Schmit

Jan. 19 10 Read first time 316
Jan. 24 13 Referred to Committee on Appropriations 406
Feb. 2 20 Notice of hearing (3/8) 571

LEGISLATIVE BILL 676. By Schmit

Jan. 19 10 Read first time 316
Jan. 24 13 Referred to Committee on Judiciary 406
Jan. 30 17 Notice of hearing (3/8) 485
Feb. 24 34 Schmit motion to withdraw laid over 871
Feb. 27 35 Schmit pending motion p. 871 prevailed. Withdrawn 881
Mar. 1 37 Notice of hearing (3/8) (Cancel) 927

LEGISLATIVE BILL 677. By Schmit

Jan. 19 10 Read first time 316
Jan. 24 13 Referred to Committee on Appropriations 406
Feb. 2 20 Notice of hearing (3/8) 571

LEGISLATIVE BILL 678. By Wesely

Jan. 19 10 Read first time 316
Jan. 24 13 Referred to Committee on Health and Human Services 406
Jan. 27 16 Notice of hearing (2/15) 479
Feb. 28 36 Placed on General File - Com AM0570 908
Mar. 13 44 Health and Human Services Committee priority bill 1108
Apr. 5 59 Haberman AM1137 printed 1518

LEGISLATIVE BILL 678A. By Wesely

Mar. 29 55 Read first time. Placed on General File 1396

LEGISLATIVE BILL 679. By Wesely

Jan. 19 10 Read first time 316
Jan. 24 13 Referred to Committee on Business and Labor 406
Jan. 26 15 Notice of hearing (2/13) 456
Mar. 6 40 Indefinitely postponed 987

LEGISLATIVE BILL 680. By Wesely, Withem

Jan. 19 10 Read first time 317
Jan. 24 13 Referred to Committee on Education 406
Jan. 27 16 Notice of hearing (2/7) 477
Mar. 1 37 Indefinitely postponed 918

LEGISLATIVE BILL 681. By Lindsay

Jan. 19 10 Read first time 317
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 407
Jan. 27 16 Notice of hearing (2/27) 467
Mar. 3 39 Placed on General File - Com AM0608 ..... 970 (printed separate)
Mar. 9 43 Lindsay priority bill 1057
Mar. 29 55 Committee AM0608 adopted. Advanced for Review 1389
Apr. 3 57 Placed on Select File - AM7020 1436

Apr. 7 61 Lindsay AM1261 to AM0608 printed 1570
Apr. 19 68 AM7020 (E & R) adopted. Lindsay pending AM1261 p. 1570 adopted. Advanced for Engrossment 1794
Apr. 24 71 Correctly Engrossed 1886
Apr. 24 71 ER6166 change 1887
May 2 75 Final Reading w/E 46-0-3 2018
May 2 75 Speaker signed 2023
May 2 75 Presented to Governor (5/2) 2028
May 4 77 Approved by Governor (5/4) 2089

LEGISLATIVE BILL 682. By Landis

Jan. 19 10 Read first time 317
Jan. 24 13 Referred to Committee on Natural Resources 407
Jan. 31 18 Notice of hearing (2/8) 523

LEGISLATIVE BILL 683. By Landis, Ashford, Baack, Barrett, Bernard-Stevens, Beyer, Chizek, Conway, Coordsen, Crosby, Elmer, Goodrich, Haberman, Hartnett, R. Johnson, Korshoj, Kristensen, Labedz, Langford, Lindsay, Lynch, McFarland, Morrissey, Nelson, Peterson, Pirsch, Robak, Rogers, Schellpeper, Schimek, Schmit, Scofield, Smith, Weihing, Withem

Jan. 19 10 Read first time 321
Jan. 24 13 Referred to Committee on Appropriations 407
Feb. 2 20 Notice of hearing (2/10) 565
Mar. 13 44 Schellpeper priority bill 1083
Mar. 14 45 Landis-Schellpeper-Goodrich-Barrett motion to place on General File laid over 1147
Mar. 21 50 Landis et al pending motion p. 1147 prevailed. Placed on General File 1252
Mar. 23 52 Wehrbein AM1022 printed 1315
Mar. 27 53 Wehrbein AM1075 printed 1351
Apr. 13 65 Wehrbein pending AM1022 p. 1315 withdrawn. Wehrbein pending AM1075 p. 1351 lost. Warner AM1019 adopted. Advanced for Review 1699
Apr. 13 65 Conway FA162 printed 1705
Apr. 17 66 Schmit AM1375 printed 1720
Apr. 20 69 Placed on Select File - AM7059 1820
Apr. 24 71 AM7059 (E & R) adopted. Scofield AM1176 lost. Conway pending FA162 p. 1705 and Schmit pending AM1375

p. 1720 withdrawn. Warner AM1528 lost. Warner motion to indefinitely postpone withdrawn 1880
Apr. 24 71 Scofield AM1165 printed 1883
Apr. 24 71 Advanced for Engrossment 1884
Apr. 24 71 Warner AM1528 printed 1891
Apr. 26 73 Warner AM1550 printed 1931
Apr. 26 73 Attorney General's Opinion #89040 to Beyer 1955
Apr. 27 74 Scofield AM1549 printed 1964
Apr. 27 74 Correctly Engrossed 1978
May 19 87 Warner pending AM1528 p. 1891, AM1550 p. 1931 and Scofield pending AM1165 p. 1883 withdrawn. Scofield motion to return to Select File for AM1549 p. 1964 lost 2600
May 22 88 Warner motion to return to Select File for FA295 withdrawn. Final Reading w/E 39-8-2 . 2652
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 22 88 Warner motion to request Governor to return to permit further consideration on Final Reading laid over 2676
May 24 90 Warner pending motion p. 2676 withdrawn 2736
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 683A. By Landis

Mar. 27 53 Read first time. Placed on General File 1358
Apr. 13 65 Advanced for Review 1700
Apr. 20 69 Placed on Select File 1821
Apr. 24 71 Advanced for Engrossment 1884
Apr. 27 74 Correctly Engrossed 1978
May 22 88 Final Reading w/E 39-8-2 2653
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 22 88 Warner motion to request Governor to return to permit further consideration on Final Reading laid over 2676
May 24 90 Warner pending motion p. 2676 withdrawn 2736
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 684. By Lindsay

Jan. 19 10 Read first time 322
Jan. 24 13 Referred to Committee on Judiciary 407

Jan. 27 16 Notice of hearing (2/15) 461
Feb. 21 31 Indefinitely postponed 800

LEGISLATIVE BILL 685. By Lindsay

Jan. 19 10 Read first time 322
Jan. 24 13 Referred to Committee on Judiciary 407
Jan. 30 17 Notice of hearing (3/8) 485
Mar. 13 44 Placed on General File - Com AM0807 1081

LEGISLATIVE BILL 686. By Lindsay

Jan. 19 10 Read first time 322
Jan. 24 13 Referred to Committee on General Affairs 407
Jan. 30 17 Notice of hearing (2/13) 490
Feb. 27 35 Placed on General File - Com AM0453 883

LEGISLATIVE BILL 687. By Abboud, Beck, Schmit

Jan. 19 10 Read first time 322
Jan. 24 13 Referred to Committee on Revenue 407
Jan. 31 18 Notice of hearing (2/23) 517
Mar. 6 40 Indefinitely postponed 998

LEGISLATIVE BILL 688. By Lindsay

Jan. 19 10 Read first time 323
Jan. 24 13 Referred to Committee on Health and Human Services 407
Jan. 25 14 Notice of hearing (2/9) 443

LEGISLATIVE BILL 689. By Lindsay, Lynch, Wesely

Jan. 19 10 Read first time 323
Jan. 24 13 Referred to Committee on Health and Human Services 407
Jan. 27 16 Notice of hearing (3/2) 481
Mar. 27 53 Placed on General File - Com AM0984 1355

LEGISLATIVE BILL 690. By Crosby, Moore, Peterson, Elmer, Robak

Jan. 19 10 Read first time 323
Jan. 20 11 Crosby name withdrawn 387
Jan. 24 13 Referred to Committee on Transportation 407

Jan. 27 16 Notice of hearing (2/28) 469

LEGISLATIVE BILL 691. By Weihing, Warner

Jan. 19 10 Read first time 323
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (3/16) 536
Mar. 22 51 Indefinitely postponed 1291

LEGISLATIVE BILL 692. By Weihing

Jan. 19 10 Read first time 323
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 407
Jan. 27 16 Notice of hearing (2/6) 466
Feb. 9 25 Placed on General File - Com AM0311 682

LEGISLATIVE BILL 693. By Morrissey, Korshoj, Chambers

Jan. 19 10 Read first time 324
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (3/1) 536
Mar. 16 47 Placed on General File - Com AM0733 ..... 1194 (printed separate)

LEGISLATIVE BILL 694. By Moore

Jan. 19 10 Read first time 324
Jan. 24 13 Referred to Committee on Education 407
Jan. 27 16 Notice of hearing (2/27) 478
Feb. 28 36 Indefinitely postponed 896

LEGISLATIVE BILL 695. By Hannibal

Jan. 19 10 Read first time 324
Jan. 24 13 Referred to Committee on Transportation 407
Jan. 27 16 Notice of hearing (2/21) 469
Feb. 23 33 Placed on General File 855
Mar. 30 56 Advanced for Review 1411
Apr. 4 58 Placed on Select File - AM7021 1489
Apr. 6 60 Lamb AM1163 printed 1557
May 19 87 AM7021 (E & R) adopted. Lamb pending AM1163 p. 1557 withdrawn.

Advanced for Engrossment 2571
May 19 87 Correctly Engrossed 2575
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading 46-1-2 2713
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 696. By Schmit

Jan. 19 10 Read first time 324
Jan. 24 13 Referred to Committee on Natural Resources 407
Feb. 2 20 Notice of hearing (2/10) 565

LEGISLATIVE BILL 697. By Schmit

Jan. 19 10 Read first time 324
Jan. 24 13 Referred to Committee on Natural Resources 407
Feb. 8 24 Schmit motion to withdraw laid over 646
Feb. 9 25 Schmit pending motion p. 646
prevailed. Withdrawn 657

LEGISLATIVE BILL 698. By Goodrich

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on Business and Labor 407
Jan. 26 15 Notice of hearing (2/27) 456
Feb. 24 34 Goodrich AM0561 printed 872
Mar. 7 41 Indefinitely postponed 1009

LEGISLATIVE BILL 699. By Hartnett

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on Judiciary 407
Jan. 30 17 Notice of hearing (3/16) 485
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 700. By Hartnett

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on Revenue 407
Jan. 31 18 Notice of hearing (2/16) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 701. By Hall

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (2/22) 535
Mar. 1 37 Indefinitely postponed 924

LEGISLATIVE BILL 702. By Hall

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (2/22) 535
Mar. 7 41 Placed on General File 1009

LEGISLATIVE BILL 703. By Hall

Jan. 19 10 Read first time 325
Jan. 24 13 Referred to Committee on General Affairs 407
Jan. 30 17 Notice of hearing (2/6) 490
Feb. 9 25 Placed on General File 678

LEGISLATIVE BILL 704. By Hall

Jan. 19 10 Read first time 326
Jan. 24 13 Referred to Committee on General Affairs 407
Jan. 30 17 Notice of hearing (2/6) 490
Feb. 21 31 Hall FA39 to committee amendment printed 799
Feb. 27 35 Placed on General File - Com AM0581 883
Mar. 1 37 Haberman FA45 printed 927

LEGISLATIVE BILL 705. By Lindsay, Hall

Jan. 19 10 Read first time 326
Jan. 24 13 Referred to Committee on Revenue 407
Jan. 31 18 Notice of hearing (2/24) 518
Feb. 27 35 Placed on General File - Com AM0595 891
Mar. 13 44 Ashford priority bill 1082
Mar. 28 54 Committee AM0595 adopted. Haberman AM1102 ruled not germane. Haberman motion to indefinitely postpone lost. Advanced for Review 1373
Mar. 30 56 Placed on Select File - AM7004 1399
Apr. 4 58 AM7004 (E & R) adopted. Moore motion to indefinitely postpone withdrawn.

Advanced for Engrossment 1490
Apr. 7 61 Correctly Engrossed 1576
Apr. 10 62 Abboud name added 1622
May 22 88 Moore motion to return to Select File for FA296 withdrawn. Final Reading w/E 33-14-2 2654
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Returned by Governor without approval (5/26) . 2788

LEGISLATIVE BILL 706. By Hall

Jan. 19 10 Read first time 326
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 407
Jan. 27 16 Notice of hearing (2/6) 466
Feb. 7 23 Placed on General File 637
Mar. 30 56 Advanced for Review 1400
Apr. 3 57 Placed on Select File - AM7009 1440
Apr. 7 61 Wesely AM1315 printed 1566
May 15 83 Wesely AM1840 printed 2373
May 19 87 AM7009 (E & R) adopted. Wesely pending AM1315 p. 1566 withdrawn. Wesely pending AM1840 p. 2373 adopted. Advanced for Engrossment 2570
May 19 87 Wesely name added 2573
May 19 87 Correctly Engrossed. ER6217 change 2583
May 22 88 Correction 2614
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 46-0-3 2713
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/26) 2787

LEGISLATIVE BILL 707. By Hall

Jan. 19 10 Read first time 326
Jan. 24 13 Referred to Committee on Revenue 407
Feb. 6 22 Notice of hearing (3/2) 604
Mar. 30 56 Placed on General File - Com AM1139 1406

LEGISLATIVE BILL 708. By Chambers

Jan. 19 10 Read first time 326
Jan. 24 13 Referred to Committee on Judiciary 407

Jan. 25 14 Notice of hearing (2/2) 424
Feb. 10 26 Placed on General File 690

LEGISLATIVE BILL 709. By Chambers

Jan. 19 10 Read first time 327
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (2/15) 535

LEGISLATIVE BILL 710. By Scofield, Lamb, Dierks

Jan. 19 10 Read first time 327
Jan. 24 13 Referred to Committee on Natural Resources 407
Feb. 14 28 Notice of hearing (3/1) 738
Mar. 13 44 Placed on General File 1080
Mar. 13 44 Scofield priority bill 1082
Apr. 6 60 Scofield AM1270 adopted as amended by Dierks AM1286. Advanced for Review 1561
Apr. 10 62 Placed on Select File 1622
Apr. 20 69 Schmit motion to indefinitely postpone lost. Schmit FA178 lost. Advanced for Engrossment 1798
Apr. 25 72 Correctly Engrossed 1899
Apr. 25 72 ER6168 change 1900
May 22 88 Schmit motion to return to Select File for FA297 withdrawn. Final Reading 34-13-2 2655
May 22 88 Speaker signed 2656
May 22 88 Presented to Governor (5/22) 2660
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 711. By Coordsen, Lamb, Wesely, Withem, Scofield, Labedz, Haberman, Peterson, Dierks, Hall

Jan. 19 10 Read first time 327
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 407
Jan. 27 16 Notice of hearing (3/13) 467
Mar. 17 48 Indefinitely postponed 1214

LEGISLATIVE BILL 712. By Pirsch

Jan. 19 10 Read first time 327
Jan. 24 13 Referred to Committee on Judiciary 407

Jan. 30 17 Notice of hearing (3/15) 485
Mar. 21 50 Indefinitely postponed 1263

LEGISLATIVE BILL 713. By Lamb

Jan. 19 10 Read first time 327
Jan. 24 13 Referred to Committee on Transportation 407
Jan. 27 16 Notice of hearing (2/13) 469
Feb. 21 31 Placed on General File - Com AM0395 797
(printed separate)

LEGISLATIVE BILL 714. By Lamb, Bernard-Stevens

Jan. 19 10 Read first time 328
Jan. 23 12 Smith name added 391
Jan. 24 13 Referred to Committee on Revenue 407
Jan. 30 17 Notice of hearing (2/9) 499
Feb. 10 26 Hefner name added 704
Feb. 14 28 Robak name added 744
Feb. 21 31 Placed on General File - Com AM0464 800
Mar. 13 44 Conway priority bill 1109
Mar. 14 45 Conway name added 1148
Mar. 20 49 Hall AM0748 to committee amendment
printed separate 1234
Mar. 21 50 Committee AM0464 adopted as amended by
Hall pending AM0748 p. 1234.
Advanced for Review 1258
Mar. 22 51 Placed on Select File - AM5099 1294
Apr. 3 57 AM5099 (E & R) adopted.
Advanced for Engrossment 1446
Apr. 6 60 Correctly Engrossed 1539
Apr. 11 63 Final Reading w/E 41-0-8 1633
Apr. 11 63 Speaker signed 1635
Apr. 11 63 Presented to Governor (4/11) 1637
Apr. 17 66 Approved by Governor (4/17) 1736

LEGISLATIVE BILL 715. By Lamb, Scofield, Dierks

Jan. 19 10 Read first time 328
Jan. 24 13 Referred to Committee on Natural Resources 407
Feb. 14 28 Notice of hearing (3/1) 738

LEGISLATIVE BILL 716. By Schmit, Elmer

Jan. 19 10 Read first time 328

Jan. 24 13 Referred to Committee on Appropriations 407
Feb. 2 20 Notice of hearing (3/2) 572

LEGISLATIVE BILL 717. By Schmit

Jan. 19 10 Read first time 328
Jan. 24 13 Referred to Committee on Revenue 407
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 13 27 Indefinitely postponed 726

LEGISLATIVE BILL 718. By Haberman

Jan. 19 10 Read first time 328
Jan. 24 13 Referred to Committee on Agriculture 407
Jan. 27 16 Notice of hearing (2/14) 479
Feb. 6 22 Notice of hearing (2/21) (Reset) 605

LEGISLATIVE BILL 719. By Withem, Baack

Jan. 19 10 Read first time 328
Jan. 24 13 Referred to Committee on Judiciary 407
Jan. 27 16 Notice of hearing (2/22) 461
Mar. 30 56 Placed on General File - Com AM1115 1404

LEGISLATIVE BILL 720. By Wesely

Jan. 19 10 Read first time 329
Jan. 24 13 Referred to Committee on Health and Human Services 407
Jan. 25 14 Notice of hearing (2/8) 443
Feb. 28 36 Placed on General File - Com AM0618 909
Mar. 13 44 Health and Human Services Committee priority bill 1108

LEGISLATIVE BILL 720A. By Wesely

Mar. 28 54 Read first time. Placed on General File 1375

LEGISLATIVE BILL 721. By Wesely

Jan. 19 10 Read first time 329
Jan. 24 13 Referred to Committee on Judiciary 407
Jan. 30 17 Notice of hearing (2/23) 484
Mar. 13 44 Indefinitely postponed 1082

LEGISLATIVE BILL 722. By Wesely

Jan. 19 10 Read first time 329
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 407
Feb. 1 19 Notice of hearing (3/15) 536
Mar. 22 51 Placed on General File 1288
Mar. 30 56 Advanced for Review 1415
Apr. 6 60 Placed on Select File - AM7032 1539
Apr. 7 61 AM7032 (E & R) adopted. Advanced for Engrossment 1576
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading 39-0-10 1829
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 723. By Wesely

Jan. 19 10 Read first time 329
Jan. 24 13 Referred to Committee on Health and Human Services 407
Jan. 25 14 Notice of hearing (2/3) 443
Feb. 16 30 Placed on General File - Com AM0211 786

LEGISLATIVE BILL 724. By Withem

Jan. 19 10 Read first time 329
Jan. 24 13 Referred to Committee on Health and Human Services 407
Jan. 27 16 Notice of hearing (2/23) 479
Feb. 14 28 Notice of hearing (2/22) (Reset) 732
Feb. 28 36 Placed on General File - Com AM0579 910

LEGISLATIVE BILL 725. By Withem

Jan. 19 10 Read first time 330
Jan. 24 13 Referred to Committee on Transportation 408
Jan. 27 16 Notice of hearing (2/7) 469

LEGISLATIVE BILL 726. By Withem

Jan. 19 10 Read first time 330
Jan. 24 13 Referred to Committee on Health and

Human Services 408
Jan. 27 16 Notice of hearing (2/16) 479
Feb. 28 36 Placed on General File - Com AM0580 910

LEGISLATIVE BILL 727. By Appropriations Committee

Jan. 19 10 Read first time 331
Jan. 24 13 Referred to Committee on Appropriations 408
Feb. 2 20 Notice of hearing (3/17) 572
Apr. 21 70 Placed on General File - AM1323 1839
Apr. 27 74 Wesely AM1607 printed 1987
May 8 79 Landis AM1705 to committee amendment printed 2178
May 10 81 Committee AM1323 adopted as amended by Landis pending AM1705 p. 2178. Wesely pending AM1607 p. 1987 adopted. Advanced for Review 2274
May 11 82 Placed on Select File - AM7076 2312
May 16 84 AM7076 (E & R) adopted. Advanced for Engrossment 2437
May 17 85 Correctly Engrossed. ER6204 change 2444
May 19 87 Final Reading 41-5-3 2562
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 728. By Warner

Jan. 19 10 Read first time 331
Jan. 24 13 Referred to Committee on Revenue 408
Jan. 30 17 Notice of hearing (2/9) 499
Mar. 6 40 Indefinitely postponed 998
Mar. 7 41 Warner motion to place on General File laid over 1015

LEGISLATIVE BILL 729. By Warner

Jan. 19 10 Read first time 331
Jan. 24 13 Referred to Committee on Revenue 408
Jan. 30 17 Notice of hearing (2/9) 499
Feb. 13 27 Placed on General File - Com AM0321 726

LEGISLATIVE BILL 730. By Warner

Jan. 19 10 Read first time 332

Jan. 24 13 Referred to Committee on Natural Resources 408
Feb. 2 20 Notice of hearing (2/10) 565
Feb. 22 32 Placed on General File - Com AM0493 832
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 731. By Warner

Jan. 19 10 Read first time 332
Jan. 24 13 Referred to Committee on Revenue 408
Jan. 25 14 Notice of hearing (2/3) 425
Feb. 13 27 Indefinitely postponed 726

LEGISLATIVE BILL 732. By Health and Human Services Committee

Jan. 19 10 Read first time 332
Jan. 24 13 Referred to Committee on Health and Human Services 408
Jan. 25 14 Notice of hearing (2/3) 443
Feb. 3 21 Byars name added 597
Feb. 22 32 Placed on General File - Com AM0286 819

LEGISLATIVE BILL 733. By Health and Human Services Committee

Jan. 19 10 Read first time 332
Jan. 24 13 Referred to Committee on Health and Human Services 408
Jan. 25 14 Notice of hearing (2/2) 443
Feb. 7 23 Placed on General File - Com AM0210 637
Feb. 9 25 Wesely AM0283 printed 676
Mar. 9 43 Committee AM0210 adopted. Wesely pending AM0283 p. 676 adopted. Advanced for Review 1048
Mar. 14 45 Wesely AM0871 printed 1146
Mar. 16 47 Placed on Select File - AM5090 1176
Mar. 27 53 AM5090 (E & R) adopted. Wesely pending AM0871 p. 1146 adopted. Advanced for Engrossment 1361
Apr. 3 57 Correctly Engrossed 1457
Apr. 3 57 ER6146 change 1459
Apr. 6 60 Final Reading w/E 39-0-10 1545
Apr. 6 60 President signed 1546
Apr. 6 60 Presented to Governor (4/6) 1554
Apr. 10 62 Approved by Governor (4/10) 1600

LEGISLATIVE BILL 734. By Moore

Jan. 19 10 Read first time 332
Jan. 24 13 Referred to Committee on Education 408
Jan. 27 16 Notice of hearing (3/14) 478

LEGISLATIVE BILL 735. By Moore

Jan. 19 10 Read first time 333
Jan. 24 13 Referred to Committee on Appropriations 408
Feb. 2 20 Notice of hearing (3/3) 572
Feb. 22 32 Notice of hearing (Room change) 831

LEGISLATIVE BILL 736. By R. Johnson, Robak, Nelson

Jan. 19 10 Read first time 333
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (3/13) 491
Mar. 13 44 General Affairs Committee priority bill 1082

LEGISLATIVE BILL 737. By Hannibal

Jan. 19 10 Read first time 333
Jan. 24 13 Referred to Committee on Revenue 408
Feb. 6 22 Notice of hearing (3/9) 604
Feb. 15 29 Lynch name added 763

LEGISLATIVE BILL 738. By Schimek, Nelson

Jan. 19 10 Read first time 333
Jan. 24 13 Referred to Committee on Education 408
Jan. 27 16 Notice of hearing (3/6) 478
Mar. 14 45 Indefinitely postponed 1116

LEGISLATIVE BILL 739. By Speaker Barrett at request of Governor

Jan. 19 10 Read first time 333
Jan. 24 13 Referred to Committee on Revenue 408
Feb. 6 22 Notice of hearing (3/3) 604
Mar. 13 44 Hannibal priority bill 1082
Mar. 13 44 Placed on General File - Com AM0778 1092
Mar. 13 44 McFarland AM0844 to committee amendment printed separate. McFarland AM0819 printed 1096
Apr. 11 63 Hannibal name added 1638
Apr. 11 63 McFarland pending AM0844 p. 1096

withdrawn. Wesely-McFarland AM1343 lost. Pending 1639
Apr. 11 63 Committee AM0778 lost. Pending 1643
Apr. 11 63 McFarland pending AM0819 p. 1096 and Wesely FA154 withdrawn. Hall FA155 adopted. Advanced for Review 1645
Apr. 11 63 Wesely AM1361 printed 1649
Apr. 13 65 Placed on Select File - AM7051 1704
Apr. 20 69 Wesely AM1467 and McFarland AM1451 printed 1814
Apr. 21 70 AM7051 (E & R) adopted. Wesely pending AM1361 p. 1649 lost. Smith AM1463 adopted. Hall motion to reconsider AM1463 withdrawn. McFarland AM1452 and Wesely pending AM1467 p. 1814 withdrawn. McFarland pending AM1451 p. 1814 lost 1847
Apr. 24 71 Correction 1857
Apr. 24 71 Advanced for Engrossment 1864
Apr. 25 72 Correctly Engrossed 1908
Apr. 25 72 ER6172 change 1909
May 16 84 Nelson AM1871 printed 2419
May 19 87 Nelson pending AM1871 p. 2419 withdrawn 2596
May 22 88 McFarland-Hall motions to return to Select File for FA298 and FA299 withdrawn. McFarland motion to bracket lost 2656
May 22 88 Final Reading 37-11-1 2657
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 24 90 Approved by Governor (5/23) 2741

LEGISLATIVE BILL 739A. By Hannibal

Mar. 20 49 Read first time. Placed on General File 1217
Apr. 11 63 Advanced for Review 1647
Apr. 13 65 Placed on Select File 1704
Apr. 24 71 Advanced for Engrossment 1865
Apr. 25 72 Correctly Engrossed 1908
May 22 88 Final Reading 40-7-2 2658
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 24 90 Approved by Governor (5/23) 2741

LEGISLATIVE BILL 740. By Crosby

Jan. 19 10 Read first time 334
Jan. 24 13 Referred to Committee on Education 408
Jan. 27 16 Notice of hearing (3/7) 478

LEGISLATIVE BILL 741. By Crosby

Jan. 19 10 Read first time 334
Jan. 24 13 Referred to Committee on Education 408
Jan. 27 16 Notice of hearing (3/7) 478
Mar. 14 45 Placed on General File 1111

LEGISLATIVE BILL 741A. By Crosby

Mar. 29 55 Read first time. Placed on General File 1396

LEGISLATIVE BILL 742. By Robak, Schmit, Chizek, Smith, Ashford, Korshoj, Withem, Elmer, Moore

Jan. 19 10 Read first time 334
Jan. 24 13 Referred to Committee on Transportation 408
Jan. 25 14 Labedz name added 447
Jan. 27 16 Notice of hearing (3/6) 470
Mar. 8 42 Placed on General File - Com AM0655 1029
Mar. 14 45 Speaker Barrett priority bill 1144

LEGISLATIVE BILL 743. By Smith, Coordsen, Schellpeper, Dierks, Labedz, Schmit, Hall

Jan. 19 10 Read first time 334
Jan. 24 13 Referred to Committee on Appropriations 408
Feb. 2 20 Notice of hearing (3/9) 572
Apr. 21 70 Placed on General File - Com AM1492 1843
Apr. 27 74 Smith-Beck-Nelson-Crosby-Robak-Labedz-Withem-Korshoj-Haberman-Goodrich-McFarland-Weihing-Conway-R. Johnson-Bernard Stevens-Lynch-Byars-Abboud-Morrissey-Chambers-Coordsen-Schellpeper-Dierks-Wesely-Hartnett-Hall-Chizek FA201 to committee amendment printed 1987

LEGISLATIVE BILL 744. By Withem

Jan. 19 10 Read first time 334
Jan. 24 13 Referred to Committee on Education 408

Jan.	24	13	Notice of hearing (1/31)	415
Feb.	1	19	Placed on General File	537
Feb.	27	35	Advanced for Review	885
Mar.	2	38	Placed on Select File - AM5077	937
Mar.	13	44	Withem AM0801 printed	1083
Mar.	14	45	AM5077 (E & R) adopted. Withem pending AM0801 p. 1083 adopted. Advanced for Engrossment	1142
Mar.	17	48	Correctly Engrossed	1206
May	3	76	Withem AM1610 printed	2050
May	5	78	Attorney General's Opinion #89044 to Beck	2127
May	10	81	Withem AM1719 printed	2269
May	15	83	Withem pending AM1610 p. 2050 withdrawn. Returned to Select File for Withem amendment. Withem pending AM1719 p. 2269 adopted. Advanced for Re-Engrossment	2329
May	15	83	Correctly Re-Engrossed	2385
May	15	83	ER6194 change	2387
May	22	88	Final Reading 25-22-2	2660
May	22	88	President signed	2672
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Returned by Governor without approval (5/26)	2787

LEGISLATIVE BILL 744A. By Haberman

May	15	83	Read first time. Placed on General File	2377
May	17	85	Haberman motion to indefinitely postpone prevailed	2476

LEGISLATIVE BILL 745. By Goodrich

Jan.	19	10	Read first time	334
Jan.	24	13	Referred to Committee on Health and Human Services	408
Jan.	27	16	Notice of hearing (2/23)	479
Mar.	20	49	Indefinitely postponed	1219

LEGISLATIVE BILL 746. By Wesely

Jan.	19	10	Read first time	335
Jan.	24	13	Referred to Committee on Banking, Commerce and Insurance	408
Jan.	27	16	Notice of hearing (3/13)	467
Mar.	15	46	Placed on General File	1165

LEGISLATIVE BILL 747. By Chizek, Withem, Hartnett, Robak, Ashford, Abboud

Jan. 19 10 Read first time 335
Jan. 24 13 Referred to Committee on Revenue 408
Jan. 31 18 Notice of hearing (2/15) 517
Mar. 13 44 Placed on General File - Com AM0781 1093
Mar. 13 44 Chizek priority bill 1108
Apr. 11 63 Hall motion to indefinitely postpone laid over 1637
May 24 90 Hall-Chizek AM1942 printed 2759

LEGISLATIVE BILL 747A. By Chizek

Mar. 20 49 Read first time. Placed on General File 1217

LEGISLATIVE BILL 748. By R. Johnson

Jan. 19 10 Read first time 335
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 408
Jan. 27 16 Notice of hearing (3/7) 467
Feb. 27 35 R. Johnson motion to withdraw laid over 884
Feb. 28 36 R. Johnson pending motion p. 884 prevailed. Withdrawn 895
Feb. 28 36 Notice of hearing (3/7) (Cancel) 914

LEGISLATIVE BILL 749. By R. Johnson

Jan. 19 10 Read first time 335
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 408
Jan. 27 16 Notice of hearing (3/7) 467
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 15 46 Placed on General File 1165

LEGISLATIVE BILL 750. By Chizek

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on Revenue 408
Feb. 6 22 Notice of hearing (3/9) 604

LEGISLATIVE BILL 751. By Peterson

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (3/13) 491
Mar. 27 53 Indefinitely postponed 1355

LEGISLATIVE BILL 752. By Goodrich

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on Government, Military and Veterans Affairs 408
Jan. 25 14 Notice of hearing (2/3) 447
Feb. 21 31 Indefinitely postponed 793

LEGISLATIVE BILL 753. By Goodrich

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on Health and Human Services 408
Jan. 27 16 Notice of hearing (3/9) 481

LEGISLATIVE BILL 754. By Goodrich

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on Health and Human Services 408
Jan. 27 16 Notice of hearing (3/9) 481
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 755. By Natural Resources Committee

Jan. 19 10 Read first time 336
Jan. 24 13 Referred to Committee on Natural Resources 408
Feb. 8 24 Notice of hearing (2/15) 646
Feb. 28 36 Placed on General File - Com AM0635 907

LEGISLATIVE BILL 756. By Weihing

Jan. 19 10 Read first time 337
Jan. 24 13 Referred to Committee on Urban Affairs 408
Jan. 27 16 Notice of hearing (2/28) 468
Mar. 8 42 Placed on General File 1032
Mar. 30 56 Advanced for Review 1414
Apr. 6 60 Placed on Select File 1536
Apr. 7 61 Weihing AM1310 printed 1593

LEGISLATIVE BILL 757. By Korshoj, Beck, Langford, Pirsch, Coordsen

Jan. 19 10 Read first time 337
Jan. 24 13 Referred to Committee on Health and Human Services 408
Jan. 27 16 Notice of hearing (3/2) 481

LEGISLATIVE BILL 758. By Weihing

Jan. 19 10 Read first time 337
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 408
Jan. 27 16 Notice of hearing (3/7) 467
Mar. 14 45 Speaker Barrett priority bill 1144
Mar. 16 47 Placed on General File - Com AM0928 1185

LEGISLATIVE BILL 759. By L. Johnson, Goodrich

Jan. 19 10 Read first time 338
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 408
Jan. 27 16 Notice of hearing (2/7) 466
Mar. 1 37 Indefinitely postponed 934

LEGISLATIVE BILL 760. By Scofield

Jan. 19 10 Read first time 338
Jan. 20 11 Conway name added 387
Jan. 24 13 Referred to Committee on Education 408
Jan. 27 16 Notice of hearing (2/21) 478
Feb. 10 26 Haberman name added 704
Feb. 28 36 Indefinitely postponed 896

LEGISLATIVE BILL 761. By Natural Resources Committee

Jan. 19 10 Read first time 338
Jan. 24 13 Referred to Committee on Natural Resources 408
Feb. 8 24 Notice of hearing (2/16) 646
Mar. 13 44 Natural Resources Committee priority bill 1082
Mar. 14 45 Placed on General File - Com AM0822 1123
Mar. 27 53 Attorney General's Opinion #89020 to Dennis Grams, Dept. of Environmental Control 1336
Apr. 13 65 Morrissey AM1380 to committee amendment printed 1693

Apr. 13 65 Dierks AM1133 to committee amendment printed 1694
Apr. 13 65 Kristensen AM1396 to committee amendment printed 1705
Apr. 17 66 Kristensen pending AM1396 p. 1705 withdrawn. Morrissey pending AM1380 p. 1693 and Dierks pending AM1133 p. 1694 ruled not germane. Challenges of Chair lost. Committee AM0822 adopted as amended by Schmit-Kristensen AM1399, Schmit AM1004, and AM1415. Elmer FA164 ruled not germane. Schmit AM1403 adopted. Pending 1722
Apr. 17 66 Schmit AM1417 and AM1401 adopted. Morrissey FA165 withdrawn. Morrissey reoffered AM1380 p. 1693 adopted as amended by Elmer FA167 1733
Apr. 18 67 Dierks reoffered AM1133 p. 1694 lost. Chambers FA168 pending 1747
Apr. 18 67 Chambers pending FA168 p. 1748 lost. Pending 1748
Apr. 18 67 Chambers motion to indefinitely postpone withdrawn. Bernard-Stevens motion to reconsider Chambers FA168 p. 1748 lost. Advanced for Review 1758
Apr. 18 67 Chambers FA170 printed 1761
Apr. 21 70 Placed on Select File - AM7064 (printed separate) 1846
May 4 77 Wesely AM1675 to AM7064 printed 2078
May 4 77 Dierks AM1631 to AM7064 printed 2081
May 4 77 Dierks AM1630 to AM7064 printed 2084
May 5 78 Attorney General's Opinion #89045 to Dierks ... 2129
May 8 79 Kristensen AM1723 to AM7064 printed 2149
May 8 79 Morrissey AM1752 to AM7064 printed 2178
May 8 79 Morrissey AM1750 and AM1751 to AM7064 printed 2179
May 10 81 McFarland AM1569 to AM7064 printed 2270
May 15 83 AM7064 (E & R) adopted. Chambers pending FA170 p. 1761 lost. Pending 2353
May 15 83 Wesely pending AM1675 p. 2078 and Dierks pending AM1631 p. 2081 withdrawn. Landis motion to bracket until 5/16/89 withdrawn. Dierks pending AM1630 p. 2084 and Landis AM1846 lost. Pending 2355

May 15 83 Kristensen pending AM1723 p. 2149
sustained division of question -
FA261 (1) lost. Kristensen FA262
(2) adopted. Morrissey pending
AM1752 p. 2178 and AM1750 p. 2179
lost. Pending 2369
May 15 83 Morrissey pending AM1751 p. 2179
withdrawn. McFarland pending AM1569
p. 2270 and Dierks AM1849 lost.
Lamb FA263 adopted. Pending 2377
May 15 83 Scofield AM1595 and Lamb FA264 to
AM7064 adopted. Weihing AM1622
lost. Advanced for Engrossment 2387
May 17 85 Correctly Engrossed 2444
May 17 85 ER6200 change 2445
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading w/E 46-0-3 2670
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 761A. By Warner

May 16 84 Read first time. Placed on General File 2407
May 17 85 Advanced for Review 2476
May 17 85 Placed on Select File 2482
May 18 86 Advanced for Engrossment 2530
May 18 86 Scofield AM1946 printed 2546
May 18 86 Correctly Engrossed 2548
May 19 87 Scofield pending AM1946 p. 2546 withdrawn.
Scofield motion to return to Select
File for AM1961 lost. Returned to
Select File for Schmit amendment.
Schmit FA293 adopted.
Stands indefinitely postponed 2602

LEGISLATIVE BILL 762. By Revenue Committee

Jan. 19 10 Read first time 339
Jan. 24 13 Referred to Committee on Revenue 408
Jan. 25 14 Notice of hearing (2/3) 425
Feb. 21 31 Placed on General File - Com AM0369 802
Mar. 13 44 Revenue Committee priority bill 1082
Apr. 3 57 Committee AM0369 adopted.
Advanced for Review 1456

Apr.	7	61	Placed on Select File - AM7040	1582
Apr.	7	61	Coordsen AM1308 printed	1586
Apr.	10	62	Hall AM1333 printed	1623
Apr.	10	62	Hall AM1331 printed	1625
May	11	82	AM7040 (E & R) adopted. Coordsen pending AM1308 p. 1586 and Hall pending AM1331 p. 1625 adopted. Hall pending AM1333 p. 1623 withdrawn. Advanced for Engrossment	2310
May	15	83	Correctly Engrossed	2365
May	15	83	ER6189 change	2366
May	22	88	Barrett motion to suspend rules prevailed	2664
May	22	88	Final Reading 48-0-1	2671
May	22	88	President signed	2676
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Approved by Governor (5/26)	2788

LEGISLATIVE BILL 762A. By Coordsen

May	15	83	Read first time. Placed on General File	2355
May	17	85	Advanced for Review	2476
May	17	85	Placed on Select File	2482
May	18	86	Advanced for Engrossment	2530
May	18	86	Correctly Engrossed	2548
May	22	88	Barrett motion to suspend rules prevailed	2664
May	22	88	Final Reading 48-0-1	2672
May	22	88	President signed	2676
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Approved by Governor (5/26)	2788

LEGISLATIVE BILL 763. By Morrissey

Jan.	19	10	Read first time	339
Jan.	24	13	Referred to Committee on Natural Resources	408
Feb.	8	24	Notice of hearing (2/16)	646
Feb.	15	29	Attorney General's Opinion #89008 to Morrissey	753
Mar.	14	45	Indefinitely postponed	1126
Mar.	27	53	Attorney General's Opinion #89020 to Dennis Grams, Dept. of Environmental Control	1336

LEGISLATIVE BILL 764. By Natural Resources Committee

Jan.	19	10	Read first time	339
Jan.	24	13	Referred to Committee on Natural Resources	408
Feb.	1	19	Notice of hearing (2/9)	531

Mar. 15 46 Placed on General File - Com AM0903 1155

LEGISLATIVE BILL 765. By General Affairs Committee

Jan. 19 10 Read first time 339
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (3/6) 490
Feb. 24 34 Smith motion to withdraw laid over 875
Feb. 27 35 Smith pending motion p. 875 prevailed. Withdrawn 881
Feb. 27 35 Notice of hearing (3/6) (Cancel) 884

LEGISLATIVE BILL 766. By General Affairs Committee

Jan. 19 10 Read first time 340
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (2/27) 490
Mar. 13 44 Indefinitely postponed 1101

LEGISLATIVE BILL 767. By Smith, R. Johnson, Elmer

Jan. 19 10 Read first time 340
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (2/27) 490
Mar. 13 44 Smith priority bill 1082
Mar. 16 47 Placed on General File - Com AM0811 (printed separate) 1187
Apr. 11 63 Smith AM1267 (1) to committee amendment printed 1640
Apr. 11 63 Smith AM1274 (2) to committee amendment printed 1642
Apr. 11 63 Smith AM1275 (3), AM1276 (4) and AM1277 (5) to committee amendment printed 1643
Apr. 12 64 Smith AM1379 to committee amendment printed 1668
Apr. 13 65 Committee AM0811 adopted as amended by Smith AM1266 (on file), pending AM1267 (1) p. 1640, AM1274 (2) p. 1642, AM1275 (3) p. 1643, and Hall FA160. Smith pending AM1276 (4) p. 1643 and pending AM1379 p. 1668 lost. Schmit FA159 and Smith pending AM1277 (5) p. 1643 withdrawn. Advanced for Review 1677
Apr. 20 69 Placed on Select File - AM7063 1819

(printed separate)
May 2 75 Conway AM1638 to AM7063 printed 2027
May 2 75 Smith AM1572 printed 2028
May 3 76 Smith AM1470 to AM7063 printed 2048
May 3 76 Hefner AM1471 to AM7063 printed 2064
May 4 77 Hartnett AM1529 to AM7063 printed 2081
May 4 77 Hall-Smith AM1624 to AM7063 printed separate. Hall AM1682 to AM1624 printed 2107
May 8 79 Abboud-Smith AM1739 to AM7063 printed 2156
May 10 81 AM7073 (E & R) adopted. Conway pending AM1638 p. 2027, Smith pending AM1572 p. 2028, Smith pending AM1470 p. 2048, Hartnett pending AM1529 p. 2081, and Abboud-Smith pending AM1739 p. 2156 adopted. Hefner pending AM1471 p. 2064 lost. Hall-Smith pending AM1624 p. 2107 adopted as amended by Hall pending AM1682 p. 2107. Schmit AM1760 lost. Hall FA247, Smith FA248 and Schmit FA249 adopted. Lynch AM1689 withdrawn. Advanced for Engrossment 2264
May 11 82 Correction 2293
May 15 83 Correctly Engrossed 2365
May 15 83 ER6187 change 2366
May 22 88 Final Reading 44-0-5 2661
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 767A. By Smith

Apr. 12 64 Read first time. Placed on General File 1660
Apr. 24 71 Advanced for Review 1884
Apr. 25 72 Placed on Select File 1904
May 10 81 Advanced for Engrossment 2271
May 15 83 Correctly Engrossed 2365
May 22 88 Final Reading 42-0-7 2662
May 22 88 President signed 2672
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/26) 2788

LEGISLATIVE BILL 768. By Labedz

Jan. 19 10 Read first time 341
Jan. 24 13 Referred to Committee on General Affairs 408
Jan. 30 17 Notice of hearing (2/13) 490
Feb. 15 29 Placed on General File - Com AM0371 759

LEGISLATIVE BILL 769. By Labedz, Barrett, Beck, Beyer, Conway, Coordsen, Crosby, Dierks, Elmer, Goodrich, Hall, Hartnett, Hefner, L. Johnson, Korshoj, Kristensen, Lamb, Langford, Lindsay, Lynch, McFarland, Peterson, Pirsch, Robak, Rogers, Schellpeper, Schmit, Wehrbein

Jan. 19 10 Read first time 341
Jan. 24 13 Referred to Committee on Judiciary 409
Jan. 30 17 Notice of hearing (2/24) 484
Mar. 13 44 Labedz priority bill 1082
Mar. 30 56 Placed on General File - AM1035 1404
Apr. 12 64 Bernard Stevens-Schimek AM1365 printed 1659
Apr. 12 64 Labedz AM1372 to committee amendment printed 1667
Apr. 18 67 Ashford AM1425 printed 1765
Apr. 18 67 Ashford AM1426, AM1428, and AM1427 printed 1766
Apr. 21 70 Lynch AM1469 printed 1824
Apr. 21 70 Lynch AM1468 printed 1825
Apr. 24 71 Committee AM1035 adopted. Labedz pending AM1372 p. 1667, Bernard-Stevens-Schimek pending AM1365 p. 1659, Ashford pending AM1425 p. 1765, AM1426, AM1428, and AM1427 p. 1766 withdrawn. Lynch pending AM1469 p. 1824 lost 1884
Apr. 25 72 Chambers motion to reconsider action on AM1469 laid over. Lindsay-Ashford FA188 printed 1911
Apr. 27 74 Chambers pending motion p. 1911 lost 1984
May 2 75 Lynch pending AM1468 p. 1825 withdrawn. Bernard Stevens-Schimek motion to suspend rules and permit consideration of AM1609 lost. Lynch motion to bracket until 1/1/90 lost. Lindsay-Ashford pending FA188 p. 1911 withdrawn. Pending ... 2031
May 2 75 Chambers motion to indefinitely postpone lost .. 2037
May 2 75 Abboud name added 2042
May 3 76 Chambers FA203 lost. Labedz motion to suspend rules and vote without debate lost 2065

May 4 77 Ashford FA210 adopted 2099
May 4 77 Lindsay FA211 pending. Chambers FA212 and Bernard-Stevens FA213 to FA211 adopted. Chambers FA214 lost. Pending 2104
May 4 77 Bernard-Stevens request for division of question on pending FA211 sustained. Lindsay FA215 (1) and Chambers FA217 to FA215 pending 2109
May 8 79 Lindsay pending FA215 (1) p. 2109 adopted as amended by Chambers pending FA217 p. 2109. Lindsay FA216 (2) withdrawn. Bernard-Stevens request for ruling whether FA216 can be withdrawn. Challenge of Chair lost. Rogers motion to reconsider Labedz motion p. 2066 pending. Bernard-Stevens point of order. Challenge of Chair withdrawn 2145
May 8 79 Ashford AM1427, AM1736 and AM1735 printed 2149
May 10 81 Nelson-Schimek FA258 printed 2291
May 11 82 Rogers pending motion p. 2148 prevailed. Labedz pending motion p. 2066 lost. Bernard-Stevens motion to bracket until 1/3/90 lost 2297

LEGISLATIVE BILL 770. By Bernard-Stevens, Scofield, Baack, Schimek, Wehrbein

Jan. 19 10 Read first time 341
Jan. 24 13 Referred to Committee on Appropriations 409
Feb. 2 20 Notice of hearing (3/13) 571

LEGISLATIVE BILL 771. By Hartnett, Smith, Beck

Jan. 19 10 Read first time 341
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 409
Jan. 27 16 Notice of hearing (3/14) 467

LEGISLATIVE BILL 772. By Urban Affairs Committee

Jan. 19 10 Read first time 341
Jan. 24 13 Referred to Committee on Urban Affairs 409
Jan. 27 16 Notice of hearing (2/7) 468
Feb. 13 27 Indefinitely postponed 727

LEGISLATIVE BILL 773. By Urban Affairs Committee

Jan. 19 10 Read first time 342
Jan. 24 13 Referred to Committee on Urban Affairs 409
Jan. 27 16 Notice of hearing (2/7) 468
Feb. 13 27 Indefinitely postponed 727

LEGISLATIVE BILL 774. By Schmit, Moore

Jan. 19 10 Read first time 342
Jan. 24 13 Referred to Committee on Revenue 409
Jan. 31 18 Notice of hearing (2/15) 517
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE BILL 775. By Beck, Lindsay, Labedz, Hall

Jan. 19 10 Read first time 342
Jan. 24 13 Referred to Committee on Revenue 409
Jan. 27 16 Notice of hearing (2/3) 469
Feb. 10 26 Placed on General File - Com AM0308 690
Feb. 28 36 Beck priority bill 894
Mar. 7 41 Committee AM0308 adopted. Pending 1006
Mar. 7 41 Advanced for Review 1009
Mar. 8 42 Placed on Select File - AM5081 1022
Apr. 3 57 AM5081 (E & R) adopted.
Failed to advance for Engrossment 1425
Apr. 4 58 Attorney General's Opinion #89026 to Beck 1473

LEGISLATIVE BILL 776. By Hartnett

Jan. 19 10 Read first time 342
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 409
Jan. 26 15 Schimek name added 455
Jan. 27 16 Notice of hearing (3/14) 467
Mar. 16 47 Placed on General File - Com AM0927 1185

LEGISLATIVE BILL 777. By General Affairs Committee

Jan. 19 10 Read first time 343
Jan. 24 13 Referred to Committee on General Affairs 409
Jan. 30 17 Notice of hearing (2/6) 490
Feb. 9 25 Placed on General File 678
Mar. 30 56 Advanced for Review 1402
Apr. 3 57 Placed on Select File 1441

Apr.	7	61	Advanced for Engrossment	1573
Apr.	11	63	Correctly Engrossed	1649
Apr.	18	67	Final Reading 46-0-3	1744
Apr.	18	67	Speaker signed	1747
Apr.	18	67	Presented to Governor (4/18)	1750
Apr.	20	69	Approved by Governor (4/20)	1810

LEGISLATIVE BILL 778. By General Affairs Committee

Jan.	19	10	Read first time	343
Jan.	24	13	Referred to Committee on General Affairs	409
Jan.	30	17	Notice of hearing (2/13)	490
Mar.	3	39	Placed on General File - Com AM0551	970

LEGISLATIVE BILL 779. By McFarland

Jan.	19	10	Read first time	343
Jan.	24	13	Referred to Committee on Revenue	409
Feb.	6	22	Notice of hearing (3/8)	604
Mar.	14	45	Indefinitely postponed	1145

LEGISLATIVE BILL 780. By General Affairs Committee

Jan.	19	10	Read first time	343
Jan.	24	13	Referred to Committee on General Affairs	409
Jan.	30	17	Notice of hearing (2/6)	490
Feb.	9	25	Placed on General File	678
Mar.	13	44	General Affairs Committee priority bill	1082
Mar.	28	54	Smith AM1089 printed	1372
Apr.	3	57	Smith pending AM1089 p. 1372 withdrawn. Advanced for Review	1447
Apr.	4	58	Hall AM0857 printed	1482
Apr.	7	61	Placed on Select File - AM7036	1580
May	11	82	AM7036 (E & R) adopted. Hall pending AM0857 p. 1482 lost. Smith AM1210 adopted. Advanced for Engrossment	2306
May	15	83	Correctly Engrossed	2365
May	15	83	ER6188 change	2368
May	22	88	Final Reading 42-3-4	2663
May	22	88	President signed	2672
May	23	89	Presented to Governor (5/22)	2677
May	31	AJ	Approved by Governor (5/25)	2775

LEGISLATIVE BILL 781. By General Affairs Committee

Jan. 19 10 Read first time 344
Jan. 20 11 Hefner name added 387
Jan. 24 13 Referred to Committee on General Affairs 409
Jan. 30 17 Notice of hearing (2/13) 490
Feb. 15 29 Placed on General File - Com AM0372 759
Feb. 24 34 Committee AM0372 adopted. Advanced for Review 870
Feb. 28 36 Placed on Select File - AM5075 911
Mar. 9 43 Hall AM0776 to committee amendment printed 1051
Mar. 9 43 Hall AM0769 to committee amendment printed 1052
Mar. 27 53 Smith AM0986 printed separate 1351
Apr. 3 57 AM5075 (E & R) adopted. Smith pending AM0986 p. 1351 adopted as amended by Smith AM1184. Hall pending AM0776 p. 1051 ruled not germane. Hall pending AM0769 p. 1052 withdrawn. Advanced for Engrossment 1424
Apr. 6 60 Correctly Engrossed 1539
Apr. 6 60 ER6149 change 1540
Apr. 10 62 Attorney General's Opinion #89032 to Kristensen 1602
May 19 87 Smith motion to return to Select File for AM1851 (on file) pending 2588
May 19 87 Smith pending motion p. 2588 prevailed 2592
May 19 87 Smith pending AM1851 p. 2588 adopted. Advanced for Re-Engrossment. Lindsay motion to return to Select File for AM1952 lost 2593
May 19 87 Correctly Re-Engrossed 2604
May 19 87 ER6223 change 2605
May 23 89 Barrett motion to suspend rules prevailed 2684
May 23 89 Final Reading w/E 44-3-2 2714
May 23 89 President signed 2715
May 24 90 Presented to Governor (5/23) 2720
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 782. By McFarland

Jan. 19 10 Read first time 344
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 409
Jan. 27 16 Notice of hearing (2/14) 467
Feb. 22 32 Indefinitely postponed 833

LEGISLATIVE BILL 783. By McFarland

Jan. 19 10 Read first time 344
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/8) 604
Mar. 14 45 Indefinitely postponed 1145

LEGISLATIVE BILL 784. By McFarland

Jan. 19 10 Read first time 345
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/8) 604

LEGISLATIVE BILL 785. By McFarland

Jan. 19 10 Read first time 345
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/8) 604
Mar. 14 45 Indefinitely postponed 1145

LEGISLATIVE BILL 786. By McFarland

Jan. 19 10 Read first time 345
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/8) 604
Mar. 14 45 Indefinitely postponed 1145

LEGISLATIVE BILL 787. By McFarland

Jan. 19 10 Read first time 345
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/8) 604
Mar. 23 52 Indefinitely postponed 1324

LEGISLATIVE BILL 788. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Natural Resources 409
Feb. 1 19 Notice of hearing (2/9) 531

LEGISLATIVE BILL 789. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Nebraska Retirement Systems 409

Jan. 26 15 Notice of hearing (2/2) 456

LEGISLATIVE BILL 790. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Urban Affairs 409
Jan. 24 13 Notice of hearing (1/31) 415
Feb. 9 25 Placed on General File 675
Mar. 30 56 Advanced for Review 1402
Apr. 3 57 Placed on Select File - AM7012 1441
Apr. 7 61 AM7012 (E & R) adopted.
Advanced for Engrossment 1573
Apr. 11 63 Correctly Engrossed 1649
Apr. 18 67 Final Reading 48-0-1 1745
Apr. 18 67 Speaker signed 1747
Apr. 18 67 Presented to Governor (4/18) 1750
Apr. 20 69 Approved by Governor (4/20) 1810

LEGISLATIVE BILL 791. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Urban Affairs 409
Jan. 27 16 Notice of hearing (2/28) 468

LEGISLATIVE BILL 792. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Urban Affairs 409
Jan. 27 16 Notice of hearing (2/14) 468

LEGISLATIVE BILL 793. By Hartnett

Jan. 19 10 Read first time 346
Jan. 24 13 Referred to Committee on Revenue 409
Feb. 6 22 Notice of hearing (3/2) 604
Mar. 6 40 Placed on General File 998
Mar. 30 56 Advanced for Review 1413
Apr. 6 60 Placed on Select File - AM7027 1536
Apr. 7 61 AM7027 (E & R) adopted.
Advanced for Engrossment 1575
Apr. 12 64 Correctly Engrossed 1671
Apr. 21 70 Final Reading w/E 42-0-7 1830
Apr. 21 70 President signed 1831
Apr. 21 70 Presented to Governor (4/21) 1844
Apr. 26 73 Approved by Governor (4/26) 1935

LEGISLATIVE BILL 794. By Hartnett

Jan. 19 10 Read first time 347
Jan. 24 13 Referred to Committee on Revenue 409
Jan. 31 18 Notice of hearing (3/1) 518

LEGISLATIVE BILL 795. By Natural Resources Committee

Jan. 19 10 Read first time 347
Jan. 24 13 Referred to Committee on Natural Resources 409
Feb. 8 24 Notice of hearing (2/16) 646
Mar. 14 45 Indefinitely postponed 1126

LEGISLATIVE BILL 796. By Labedz, Lynch, Hall, Chizek, Ashford

Jan. 19 10 Read first time 347
Jan. 24 13 Referred to Committee on Appropriations 409
Feb. 2 20 Notice of hearing (2/28) 572

LEGISLATIVE BILL 797. By Schmit

Jan. 19 10 Read first time 347
Jan. 24 13 Referred to Committee on Appropriations 409
Feb. 2 20 Notice of hearing (2/28) 572

LEGISLATIVE BILL 798. By Wehrbein

Jan. 19 10 Read first time 347
Jan. 24 13 Referred to Committee on Health and Human Services 409
Jan. 27 16 Notice of hearing (3/8) 481
Mar. 20 49 Indefinitely postponed 1219

LEGISLATIVE BILL 799. By Beyer

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Transportation 409
Jan. 27 16 Notice of hearing (2/14) 469
Mar. 13 44 Placed on General File - Com AM0692 1078

LEGISLATIVE BILL 800. By Withem

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Urban Affairs 409

Jan. 27 16 Notice of hearing (2/21) 468
Feb. 27 35 Indefinitely postponed 886

LEGISLATIVE BILL 801. By Schmit

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Revenue 409
Jan. 30 17 Notice of hearing (2/8) 499
Feb. 14 28 Indefinitely postponed 742

LEGISLATIVE BILL 802. By Schmit

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Judiciary 409
Jan. 30 17 Notice of hearing (3/17) 485

LEGISLATIVE BILL 803. By Hartnett

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Banking, Commerce and Insurance 409
Jan. 27 16 Notice of hearing (3/14) 467
Mar. 16 47 Indefinitely postponed 1185

LEGISLATIVE BILL 804. By Schmit

Jan. 19 10 Read first time 348
Jan. 24 13 Referred to Committee on Revenue 409
Jan. 25 14 Notice of hearing (2/2) 425
Feb. 3 21 Attorney General's Opinion #G to Haberman 578
Feb. 13 27 Indefinitely postponed 726

LEGISLATIVE BILL 805. By Schmit, Robak

Jan. 19 10 Read first time 349
Jan. 24 13 Referred to Committee on Judiciary 409
Jan. 25 14 Notice of hearing (2/8) 424

LEGISLATIVE BILL 806. By Ashford

Jan. 19 10 Read first time 349
Jan. 24 13 Referred to Committee on Judiciary 409
Jan. 30 17 Notice of hearing (3/17) 485
Mar. 30 56 Indefinitely postponed 1405

LEGISLATIVE BILL 807. By Schmit

Jan.	19	10	Read first time	349
Jan.	24	13	Referred to Committee on Revenue	409
Jan.	31	18	Notice of hearing (2/15)	517
Mar.	13	44	Schmit priority bill	1082
Mar.	13	44	Placed on General File - Com AM0780	1093
Mar.	27	53	Attorney General's Opinion #89022 to Withem	1357
Apr.	26	73	Warner AM1581 printed	1961
Apr.	26	73	Warner AM1580 printed	1962
Apr.	27	74	Committee AM0780 adopted. Warner pending AM1581 p. 1961 and AM1580 p. 1962 withdrawn. Hall motion to bracket until 1/3/90 prevailed	1979

LEGISLATIVE BILL 808. By Schmit

Jan.	19	10	Read first time	350
Jan.	24	13	Referred to Committee on Judiciary	409
Jan.	30	17	Notice of hearing (3/16)	485

LEGISLATIVE BILL 809. By Speaker Barrett at request of Governor, Hannibal, Weihing, Smith, Kristensen, Abboud, Beck, Ashford, Wehrbein, Moore, Bernard-Stevens, Warner, Conway, Crosby, Langford, Elmer, Byars, Hefner, Coordsen, Lamb

Feb.	23	33	Read first time	860
Feb.	24	34	Referred to Committee on Revenue	873
Feb.	24	34	Peterson, Rogers, and Beyer names added	878
Feb.	27	35	Goodrich, L. Johnson, Nelson names added	887
Feb.	28	36	Notice of hearing (3/16)	914
Mar.	6	40	Pirsch name added	1000
Mar.	13	44	Byars priority bill	1069
Apr.	4	58	Attorney General's Opinion #89025 to Hall	1467
Apr.	13	65	Placed on General File - Com AM1384	1696
Apr.	24	71	Byars AM1841 to committee amendment printed	1857
Apr.	26	73	Attorney General's Opinion #89038 to Byars	1937

LEGISLATIVE BILL 809A. By Byars

Apr.	21	70	Read first time. Placed on General File	1846

LEGISLATIVE BILL 810. By Business and Labor Committee

Mar. 1 37 Coordsen motion to introduce bill prevailed 929
Mar. 2 38 Coordsen pending motion p. 929 to introduce bill prevailed 938
Mar. 2 38 Read first time 939
Mar. 3 39 Referred to Committee on Business and Labor 971
Mar. 6 40 Notice of hearing (3/13) 986
Mar. 22 51 Placed on General File - Com AM1015 1299
Mar. 23 52 Lindsay-Morrissey AM1017 to committee amendment printed 1304
Apr. 6 60 Lindsay-Morrissey pending AM1017 p. 1304 lost. Committee AM1015 adopted 1546
Apr. 6 60 Coordsen motion to indefinitely postpone prevailed 1547

LEGISLATIVE BILL 811. By Business and Labor Committee

Mar. 1 37 Coordsen motion to introduce bill prevailed 929
Mar. 2 38 Coordsen pending motion p. 929 to introduce bill prevailed 938
Mar. 2 38 Read first time 939
Mar. 3 39 Referred to Committee on Business and Labor 971
Mar. 6 40 Notice of hearing (3/13) 986
Mar. 21 50 McFarland AM1002 printed 1271
Mar. 22 51 Placed on General File - Com AM1016 1299
Mar. 23 52 Lindsay-Morrissey AM1023 to committee amendment printed 1305
Apr. 6 60 Committee AM1016 adopted as amended by Coordsen AM1159. Lindsay-Morrissey pending AM1023 p. 1305 lost. Chambers FA143 adopted. Advanced for Review 1547
Apr. 10 62 Attorney General's Opinion #89033 to Coordsen 1608
Apr. 10 62 Placed on Select File - AM7045 1621
Apr. 11 63 McFarland AM1348 printed 1645
Apr. 25 72 AM7045 (E & R) adopted. Coordsen AM1291 lost. McFarland pending AM1002 p. 1271 and AM1348 p. 1645 withdrawn. Advanced for Engrossment 1895
Apr. 27 74 Correctly Engrossed 1978
May 4 77 Final Reading w/E 46-0-3 2096
May 4 77 President signed 2099
May 4 77 Presented to Governor (5/4) 2100
May 9 80 Approved by Governor (5/9) 2218

LEGISLATIVE BILL 812. By Appropriations Committee

Mar. 30 56 Warner motion to introduce bill laid over. Warner motion to suspend rules and place on General File laid over 1409
Apr. 4 58 Warner pending motion p. 1409 prevailed 1485
Apr. 4 58 Read first time. Warner pending motion p. 1409 prevailed. Placed on General File 1486
Apr. 6 60 Withem FA144 pending 1549
Apr. 6 60 Withem pending FA144 p. 1549 and Schmit-Moore AM1256 withdrawn. Moore FA145 lost. Advanced for Review 1555
Apr. 10 62 Placed on Select File - AM7047 1621
Apr. 24 71 Withem FA187 and Withem-Hall AM1531 printed 1890
Apr. 25 72 AM7047 (E & R) adopted. Withem pending FA187 p. 1890 lost. Pending 1897
Apr. 25 72 Withem-Hall pending AM1531 p. 1890 pending 1900
Apr. 25 72 Withem-Hall pending AM1531 p. 1890 withdrawn. Hall-Withem AM1546 lost. Schmit motion to reconsider AM1546 withdrawn. Advanced for Engrossment 1905
Apr. 27 74 Correctly Engrossed 1978
May 4 77 Hall motion to return to Select File for FA209 withdrawn 2096
May 4 77 Bracketed until 5/8/89. Attorney General Opinion #89043 to Withem 2097
May 9 80 Withem motions to return to Select File for FA232 and FA233 withdrawn. Returned to Select File for Moore amendment. Moore FA234 lost. Readvanced to Final Reading 2187
May 9 80 Failed on Final Reading w/E 29-17-3 2190
May 9 80 Hannibal motion to reconsider action on Final Reading prevailed. Final Reading w/E 33-13-3 2191
May 9 80 President signed 2192
May 9 80 Presented to Governor (5/9) 2207
May 15 83 Approved by Governor (5/12) 2322

LEGISLATIVE BILL 813. By Appropriations Committee

Apr. 21 70 Warner motion to suspend rules to introduce bill prevailed. Read first time 1840

Apr. 21 70 Warner motion to suspend rules prevailed. Placed on General File 1842
Apr. 21 70 Wehrbein and Ashford names added 1845
Apr. 21 70 Rogers-Dierks-Coordsen AM1495 printed 1853
Apr. 25 72 Hall-Chizek-Schmit-Withem-Chambers-McFarland-Labedz AM1515 and Schmit AM1560 printed 1914
Apr. 26 73 Pending 1933
Apr. 26 73 Pending 1936
Apr. 26 73 Withem FA192 and Bernard-Stevens-Wesely AM1524 printed 1942
Apr. 26 73 Bernard-Stevens AM1522 and FA193 printed 1943
Apr. 26 73 Wesely FA194 and AM1536 printed 1944
Apr. 26 73 Chambers AM1567 and Appropriations Committee FA195 printed 1945
Apr. 26 73 R. Johnson-Baack-Coordsen AM1574 printed 1952
Apr. 26 73 Baack-R. Johnson AM1575 printed 1953
Apr. 26 73 Haberman AM1504 printed 1961
Apr. 27 74 Appropriations Committee pending FA195 p. 1945, Rogers et al pending AM1495 p. 1853, and Warner FA198 to AM1560 p. 1914 adopted. Pending 1967
Apr. 27 74 Schmit pending AM1560 p. 1914 adopted as amended. Hall et al pending AM1515 p. 1914 adopted. Pending 1973
Apr. 27 74 Wesely pending AM1536 p. 1944 pending. Moore FA199 printed 1977
Apr. 27 74 Hall-Withem FA200 printed 1983
Apr. 27 74 Schmit AM1578 printed 1986
Apr. 27 74 Wesely-Morrissey-Coordsen-Smith AM1605 printed 1988
May 2 75 Wesely pending AM1536 p. 1944 withdrawn. Wesely pending FA194 p. 1944 and Withem pending FA192 p. 1942 adopted. Bernard-Stevens-Wesely pending AM1524 p. 1942 and Bernard-Stevens AM1522 p. 1943 lost. Pending 1998
May 2 75 R. Johnson-Baack-Coordsen pending AM1574 p. 1952 adopted. R. Johnson-Baack pending AM1575 p. 1953 lost. Pending 2009
May 2 75 Chambers AM1636 printed 2011
May 2 75 Haberman pending AM1504 p. 1961 lost. Chambers AM1629 printed 2015
May 2 75 Haberman AM1505 printed 2016
May 2 75 Schmit AM1645, AM1644, and Smith

AM1637 printed 2034
May 2 75 Wesely AM1583 printed 2037
May 3 76 Bernard-Stevens AM1579 adopted. Wesely AM1559 withdrawn. Moore pending FA199 p. 1977 pending 2044
May 3 76 Moore pending FA199 p. 1977 withdrawn. Chambers pending AM1629 p. 2015 and Smith pending AM1637 p. 2034 adopted. Pending 2046
May 3 76 Wesely pending AM1583 p. 2037 withdrawn. Schmit pending AM1578 p. 1986 and Hall AM1506 adopted. Bernard-Stevens motion to reconsider AM1524 p. 1942 prevailed. Bernard-Stevens-Wesely reconsidered AM1524 p. 1942 adopted. Chambers pending AM1636 p. 2011 lost 2051
May 4 77 Haberman pending AM1505 p. 2016 withdrawn. Peterson-Schellpeper-Hefner-Conway-Withem-L. Johnson-Lynch-Lindsay-Abboud-Beyer-Korshoj-Hall-Schmit-Coordsen-Lamb-Chizek-Dierks-Elmer-Landis-Goodrich-Robak-Labedz-Crosby-Nelson-Pirsch-Beck AM1590 lost. Pending 2075
May 4 77 Nelson FA204 withdrawn. Coordsen AM1670 adopted. Pending 2079
May 4 77 Hall FA205 adopted. Hall-Withem pending FA200 p. 1983 withdrawn. Haberman FA206 and Scofield AM1686 to pending FA193 p. 1943 adopted. Pending 2085
May 4 77 Wesely FA207 and Bernard-Stevens FA208 printed 2093
May 4 77 Schmit AM1687 printed 2108
May 5 78 Byars motion to reconsider AM1686 p. 2087 prevailed 2111
May 5 78 Scofield reconsidered AM1686 p. 2087 lost. Wesely request to substitute amendment prevailed. Wesely pending FA207 p. 2095 and Bernard-Stevens pending FA208 p. 2093 withdrawn. Wesely substitute FA218 to FA193 ruled germane and lost. Conway FA219 lost. Bernard-Stevens pending FA193 p. 1943 adopted as amended. Pending 2112
May 5 78 Schmit pending AM1687 p. 2108 and AM1709 withdrawn. Advanced for Review 2118

May 5 78 Conway FA220 printed 2121
May 9 80 Labedz-Haberman AM1762 printed 2222
May 9 80 Wesely AM1536 printed 2231
May 9 80 Hall AM1761 printed 2245
May 9 80 Placed on Select File - AM7068 2252
May 10 81 Withem-Hartnett AM1780 printed 2277
May 10 81 Hefner AM1786 printed 2291
May 11 82 Lynch-Chizek-Hall-Crosby AM1784 printed 2300
May 11 82 Wesely-Morrissey-Coordsen-Smith AM1602 printed 2304
May 15 83 Landis-Scofield AM1787 printed 2332
May 15 83 Warner AM1810 printed 2361
May 15 83 Warner AM1855 printed 2379
May 15 83 Warner AM1843 printed 2382
May 15 83 Warner AM1845 printed 2383
May 15 83 Warner AM1853 printed 2390
May 15 83 Coordsen-Crosby AM1839 printed 2392
May 16 84 AM7068 (E & R) adopted. Chambers pending AM1567 p. 1945, Conway pending FA220 p. 2121, Wesely AM1536 p. 2231, Withem-Hartnett pending AM1780 p. 2277, and Hefner pending AM1786 p. 2291 withdrawn. Labedz-Haberman pending AM1762 p. 2222 and Hannibal FA265 lost. Hall pending AM1761 p. 2245, Lynch et al pending AM1784 p. 2300, Landis-Scofield pending AM1787 p. 2332, Warner pending AM1810 p. 2361, pending AM1855 p. 2379, pending AM1843 p. 2382, adopted. Warner FA266 to AM1845 p. 2383 adopted. Warner pending AM1845 p. 2383 sustained division of question. Warner FA267 (1), FA268 (2), and FA269 (3) adopted. Warner pending AM1853 p. 2390 adopted 2394
May 16 84 Attorney General's Opinion #89049 to Haberman 2401
May 16 84 Coordsen-Crosby pending AM1839 p. 2392 adopted. Haberman AM1847 lost. Pending 2409
May 16 84 Chambers reoffered AM1636, Peterson AM1773, and R. Johnson-Baack-Smith AM1658 adopted. Schmit pending AM1645 and AM1644 p. 2034, and Wesely et al pending AM1605 p. 1988 withdrawn. Pending 2414
May 16 84 Schmit motion to reconsider AM1658

p. 2416 withdrawn. Schmit AM1860 and Conway reoffered FA220 p. 2121 adopted. Bernard-Stevens motion to reconsider FA220 p. 2121 prevailed. Conway reconsidered FA220 p. 2121 lost. Pending 2420
May 16 84 Wesely et al pending AM1602 p. 2304 withdrawn. Lindsay FA270, Moore FA271, and Chizek AM1882 lost. Wesely-Landis-Baack AM1745, Baack AM1877, and Warner AM1807 adopted. Advanced for Engrossment 2428
May 17 85 Correction 2439
May 17 85 Correctly Engrossed. ER6202 change 2456
May 19 87 Final Reading w/E 43-0-6 2554
May 19 87 Speaker signed. Beck explanation of vote 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor with line-item veto (5/23) 2727
May 24 90 Appropriations Committee Report 2732
May 24 90 Hall motion to override line-item veto failed 17-27-5 2736
May 24 90 Hall motion to override line-item veto passed 32-11-6. Withem motion to override line-item veto passed 30-15-4 2738
May 24 90 Baack motion to override line-item veto passed 34-8-7 2740
May 24 90 Smith motion to override line-item veto failed 27-14-8 2742
May 24 90 Schmit motion to override line-item veto failed 24-20-5 2743
May 24 90 Schmit motion to override line-item veto failed 21-23-5 2744
May 24 90 Wesely motion to override line-item veto failed 19-21-9 2745
May 24 90 Peterson motion to override line-item veto passed 31-10-8 2746
May 24 90 Wesely motion to reconsider action on override motion prevailed 2747
May 24 90 Wesely motion to override line-item veto failed 25-18-6 2748
May 24 90 Coordsen motion to override line-item veto failed 12-16-21 2749
May 24 90 Robak motion to reconsider action on override motion p. 2742 lost 2750

May 24 90 Morrissey motion to override line-item veto failed 14-21-14 2751
May 24 90 Hartnett motion to override line-item veto passed 31-7-11 2752
May 24 90 Weihing motion to override line-item veto withdrawn 2753
May 24 90 Bernard-Stevens motion to override line-item veto failed 20-13-16 2754
May 24 90 Conway motion to override line-item veto withdrawn 2755
May 24 90 Communication and Certificate 2757
May 31 AJ Correction 2775
May 31 AJ Message from Secretary of State 2784
May 31 AJ Certificate 2785

LEGISLATIVE BILL 814. By Appropriations Committee

Apr. 21 70 Warner motion to suspend rules to introduce bill prevailed 1840
Apr. 21 70 Read first time 1841
Apr. 21 70 Warner motion to suspend rules prevailed. Placed on General File 1842
Apr. 21 70 Wehrbein and Ashford names added 1845
Apr. 26 73 Bernard Stevens AM1577 printed 1946
May 2 75 Rogers-Coordsen-Dierks-R. Johnson-Kristensen-Elmer-Morrissey AM1633 printed 2025
May 3 76 Schmit AM1663 printed 2059
May 5 78 Bernard-Stevens pending AM1577 p. 1946 withdrawn. Coordsen et al AM1633 p. 2025 lost 2118
May 5 78 Hartnett-Korshoj AM1700 printed 2124
May 8 79 Hartnett-Korshoj request to substitute amendment prevailed. Hartnett-Korshoj pending AM1700 p. 2124 withdrawn. Hartnett-Korshoj substitute AM1729 sustained division of question. Hartnett-Korshoj FA225 (1), FA226 (2), and FA227 (3) lost. Pending 2154
May 8 79 Hartnett-Korshoj FA228 (4) lost. Pending 2166
May 8 79 Hartnett-Korshoj FA229 (5) lost. Hartnett-Korshoj FA230 (6) and Moore FA231 to FA230 pending 2169
May 8 79 Hartnett-Korshoj pending FA230 (6)

adopted as amended by Moore pending FA231 p. 2170 2181
May 9 80 Hartnett-Korshoj FA237 (7) withdrawn. Hartnett-Korshoj FA235 (8) lost. Pending 2219
May 9 80 Hartnett-Korshoj FA236 (9), FA238 (10), FA240 (12), and Hall FA241 lost. Hartnett-Korshoj FA239 (11) withdrawn. Pending 2229
May 9 80 Hartnett-Korshoj FA242 (13) lost. Hartnett-Korshoj FA243 (14) and FA244 (15) withdrawn. Chizek-Chambers-Kristensen AM1691 withdrawn. Schmit pending AM1663 p. 2059 adopted. Pending 2240
May 9 80 Bernard-Stevens reoffered AM1577 p. 1946 adopted. Advanced for Review 2246
May 9 80 Coordsen FA245 printed 2250
May 11 82 Placed on Select File - AM7070 2302
May 15 83 Warner AM1789 printed 2360
May 15 83 Warner AM1831 printed 2376
May 15 83 Schimek AM1817 printed 2380
May 15 83 Warner AM1844 printed 2382
May 16 84 AM7070 (E & R) adopted. Chambers et al reoffered AM1691 p. 2242 lost. Coordsen pending FA245 p. 2250 and Schmit AM1880 withdrawn. Warner pending AM1789 p. 2360, AM1831 p. 2376, AM1844 p. 2382, and Schimek pending AM1817 p. 2380 adopted. Advanced for Engrossment 2434
May 17 85 Chambers FA275 printed 2444
May 17 85 Correctly Engrossed 2456
May 17 85 ER6207 change 2457
May 19 87 Chambers motion to return to Select 2554
File for pending FA275 p. 2444 withdrawn 2555
May 19 87 Final Reading w/E 36-12-1 2556
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor with line-item veto (5/23) 2727
May 24 90 Appropriations Committee Report 2732
May 24 90 Dierks motion to override line-item veto failed 18-21-10 2755
May 24 90 Langford motion to override line-item veto failed 17-20-12 2758
May 24 90 Scofield motion to override line-item veto failed 23-18-8 2763

May 24 90 Schellpeper motion to override line-item veto failed 24-18-7 2764
May 24 90 Communication 2770
May 31 AJ Message from Secretary of State 2777
May 31 AJ Certificate 2778

LEGISLATIVE BILL 815. By Appropriations Committee

Apr. 21 70 Warner motion to suspend rules to introduce bill prevailed 1840
Apr. 21 70 Read first time 1841
Apr. 21 70 Warner motion to suspend rules prevailed. Placed on General File 1842
Apr. 21 70 Wehrbein and Ashford names added 1845
May 10 81 Advanced for Review 2275
May 11 82 Placed on Select File 2312
May 15 83 Smith-Hall AM1841 printed 2381
May 16 84 Smith AM1869 printed 2407
May 17 85 Smith-Hall pending AM1841 p. 2381 withdrawn. Smith pending AM1869 p. 2407 ruled not germane. Smith motion to suspend rules and permit consideration of AM1869 prevailed. Smith pending AM1869 p. 2407 adopted. Advanced for Engrossment 2443
May 17 85 Correctly Engrossed. ER6206 change 2475
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading 48-0-1 2673
May 22 88 President signed 2676
May 23 89 Presented to Governor (5/22) 2677
May 24 90 Correction 2719
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 815A. By Smith

May 16 84 Read first time. Placed on General File 2434
May 17 85 Advanced for Review 2477
May 17 85 Placed on Select File - AM7083 2482
May 18 86 AM7083 (E & R) adopted. Advanced for Engrossment 2530
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading 48-0-1 2674
May 22 88 President signed 2676
May 23 89 Presented to Governor (5/22) 2677

May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 816. By Appropriations Committee

Apr. 21 70 Warner motion to suspend rules to introduce bill prevailed 1840
Apr. 21 70 Read first time 1841
Apr. 21 70 Warner motion to suspend rules prevailed. Placed on General File 1842
Apr. 21 70 Wehrbein name added 1845
May 10 81 Advanced for Review 2275
May 11 82 Landis AM1792 printed 2296
May 15 83 Placed on Select File 2319
May 15 83 Haberman AM1562 printed 2331
May 17 85 Warner request if AM1792 p. 2296 germane. Landis motion to suspend rules & permit consideration of AM1792 lost. Haberman pending AM1562 p. 2331 withdrawn. Advanced for Engrossment 2443
May 17 85 Correctly Engrossed. ER6208 change 2475
May 19 87 Final Reading 46-0-3 2565
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 816A. By Warner

Apr. 26 73 Read first time. Placed on General File 1951
May 10 81 Advanced for Review 2275
May 15 83 Placed on Select File 2319
May 17 85 Advanced for Engrossment 2444
May 17 85 Correctly Engrossed 2475
May 19 87 Final Reading 46-0-3 2566
May 19 87 Speaker signed 2567
May 19 87 Presented to Governor (5/19) 2573
May 24 90 Approved by Governor (5/22) 2722

LEGISLATIVE BILL 817. By Speaker Barrett at request of Governor, Conway, Wehrbein

Apr. 27 74 Read first time 1984
Apr. 27 74 Referred to Committee on Government, Military and Veterans Affairs. Notice of hearing (5/5) 1986

May 5 78 Placed on General File 2127
May 9 80 Advanced for Review. Expedited 2204
May 9 80 Placed on Select File 2231
May 11 82 Advanced for Engrossment 2295
May 11 82 Correctly Engrossed 2303
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Final Reading 49-0-0 2675
May 22 88 President signed 2676
May 23 89 Presented to Governor (5/22) 2677
May 31 AJ Approved by Governor (5/25) 2775

LEGISLATIVE BILL 817A. By Conway

May 16 84 Read first time. Placed on General File 2413
May 17 85 Advanced for Review 2476
May 17 85 Placed on Select File 2482
May 18 86 Advanced for Engrossment 2530
May 18 86 Correctly Engrossed 2548
May 22 88 Barrett motion to suspend rules prevailed 2664
May 22 88 Returned to Select File for Conway amendment. Conway FA301 adopted. Stands indefinitely postponed 2675

CHRONOLOGY OF RESOLUTIONS

NINETY-FIRST LEGISLATURE
FIRST SESSION
1989

LEGISLATIVE RESOLUTION 2CA. By R. Johnson, Lamb, Moore, Wehrbein

Jan.	5	2	Read first time	80
Jan.	5	2	Referred to Reference Committee	81
Jan.	9	3	Referred to Committee on Revenue	125
Jan.	25	14	Notice of hearing (2/2)	425
Feb.	10	26	Placed on General File	690
Feb.	10	26	Hefner name added	704
Mar.	13	44	R. Johnson priority resolution	1108
Mar.	15	46	Advanced for Review	1153
Mar.	20	49	Placed on Select File - AM5095	1225
Mar.	22	51	Attorney General's Opinion #89018 to R. Johnson	1274
Apr.	3	57	R. Johnson AM1072 printed	1455
Apr.	4	58	AM5095 (E & R) adopted. R. Johnson pending AM1072 p. 1455 adopted. Advanced for Engrossment	1476
Apr.	7	61	Correctly Engrossed. ER6154 change	1576
Apr.	17	66	Wesely motion to bracket until 1/3/90 withdrawn. Schmit motion to return to Select File for AM1407 pending	1717
Apr.	17	66	Schmit pending motion p. 1717 withdrawn. Schmit motion to return to Select File for AM1408 lost. Returned to Select File for R. Johnson amendment. R. Johnson AM1413 adopted. Advanced for Re-Engrossment	1718
Apr.	17	66	Correctly Re-Engrossed. ER6162 change	1731
Apr.	24	71	Wesely motion to bracket until 1/3/90 withdrawn. Final Reading 35-4-10	1858
Apr.	24	71	President signed	1865
Apr.	24	71	Presented to Secretary of State (4/24)	1868
Apr.	24	71	Message from Secretary of State	1870

LEGISLATIVE RESOLUTION 6CA. By Hall

Jan. 11 5 Read first time 191
Jan. 11 5 Referred to Reference Committee 193
Jan. 12 6 Referred to Committee on Government, Military and Veterans Affairs 211
Jan. 25 14 Notice of hearing (2/2) 446
Feb. 21 31 Indefinitely postponed 793

LEGISLATIVE RESOLUTION 7CA. By Hall

Jan. 17 8 Read first time 250
Jan. 17 8 Referred to Reference Committee 251
Jan. 18 9 Referred to Committee on Government, Military and Veterans Affairs 267
Feb. 1 19 Notice of hearing (3/8) 536
Mar. 9 43 Indefinitely postponed 1049

LEGISLATIVE RESOLUTION 8CA. By Judiciary Committee

Jan. 18 9 Read first time 282
Jan. 18 9 Referred to Reference Committee 284
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 14 45 Placed on General File - Com AM0858 1129
Mar. 14 45 Speaker Barrett priority resolution 1144

LEGISLATIVE RESOLUTION 9CA. By Judiciary Committee

Jan. 18 9 Read first time 284
Jan. 18 9 Referred to Reference Committee 286
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 14 45 Indefinitely postponed 1138

LEGISLATIVE RESOLUTION 10CA. By Judiciary Committee, and Ashford

Jan. 18 9 Read first time 287
Jan. 18 9 Referred to Reference Committee 290
Jan. 19 10 Referred to Committee on Judiciary 320
Jan. 23 12 Notice of hearing (2/9) 390
Mar. 14 45 Indefinitely postponed 1138

LEGISLATIVE RESOLUTION 11CA. By Scofield, Smith, Schellpeper, Peterson

Jan.	18	9	Read first time	290
Jan.	18	9	Referred to Reference Committee	292
Jan.	19	10	Referred to Committee on Urban Affairs	320
Jan.	27	16	Notice of hearing (2/14)	468

LEGISLATIVE RESOLUTION 12CA. By Scofield, Smith, Schellpeper, Peterson

Jan.	18	9	Read first time	292
Jan.	18	9	Referred to Reference Committee	293
Jan.	19	10	Referred to Committee on Urban Affairs	320
Jan.	27	16	Notice of hearing (2/14)	468
Feb.	15	29	Indefinitely postponed	763

LEGISLATIVE RESOLUTION 13CA. By Baack

Jan.	19	10	Read first time	351
Jan.	19	10	Referred to Reference Committee	354
Jan.	24	13	Referred to Committee on Government, Military and Veterans Affairs	409
Jan.	25	14	Notice of hearing (2/2)	446

LEGISLATIVE RESOLUTION 14CA. By Wesely

Jan.	19	10	Read first time	354
Jan.	19	10	Referred to Reference Committee	358
Jan.	24	13	Referred to Committee on Agriculture	409
Jan.	27	16	Notice of hearing (2/21)	479
Mar.	1	37	Indefinitely postponed	933

LEGISLATIVE RESOLUTION 15CA. By Schmit

Jan.	19	10	Read first time	358
Jan.	19	10	Referred to Reference Committee	359
Jan.	24	13	Referred to Committee on Revenue	410
Jan.	25	14	Notice of hearing (2/2)	425
Feb.	13	27	Indefinitely postponed	726

LEGISLATIVE RESOLUTION 16CA. By Urban Affairs Committee

Jan.	19	10	Read first time	360

Jan. 19 10 Referred to Reference Committee 361
Jan. 24 13 Referred to Committee on Revenue 410
Jan. 31 18 Notice of hearing (3/1) 518
Mar. 6 40 Indefinitely postponed 998

LEGISLATIVE RESOLUTION 17CA. By Urban Affairs Committee

Jan. 19 10 Read first time 361
Jan. 19 10 Referred to Reference Committee 363
Jan. 24 13 Referred to Committee on Urban Affairs 410
Jan. 27 16 Notice of hearing (2/14) 468
Feb. 15 29 Indefinitely postponed 763

LEGISLATIVE RESOLUTION 18CA. By Urban Affairs Committee

Jan. 19 10 Read first time 363
Jan. 19 10 Referred to Reference Committee 364
Jan. 24 13 Referred to Committee on Revenue 410
Jan. 31 18 Notice of hearing (3/1) 518
Mar. 13 44 Indefinitely postponed 1093

LEGISLATIVE RESOLUTION 19CA. By Hartnett

Jan. 19 10 Read first time 364
Jan. 19 10 Referred to Reference Committee 365
Jan. 24 13 Referred to Committee on Revenue 410
Jan. 31 18 Notice of hearing (3/1) 518

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
58*	Change fee for amateur radio station license plates.
84***	Adopt the Property Tax Relief Act.
116*	Eliminate citations for prostitute arrests.
141*	Provide that Driving While Intoxicated (DWI) and implied consent laws apply on private property.
159*	Change provisions relating to contributory fault.
186	Change provisions relating to buyer's information form for auction sales.
223*	Require separate vote on veto overrides.
249*	Adopt the Tax Delinquency Amnesty Act.
267*	Establish a definition of the word daytime relating to search warrants.
295	Change restrictions on insurance policies.
296	Change the time period for amortization of loan losses.
325*	Adopt the Degradable Products Act.
352	Change appeal procedures for state agencies.
365*	Change provisions relating to county fairs.
421*	Change provisions for annexation of land by first class cities.
422*	Authorize counties to establish community service programs.
474	Extend time for registration of motor vehicles following purchase.
483*	Change the definition of exceptionally hazardous drug.
484	Change provisions for the appointment of the public defender.
556	Provide an exemption from bond requirement in court actions.
592*	Provide additional penalties for controlled substance possession.
594*	Change provisions for liability of persons in nonprofit sports.
597	Change provisions of the Model Health Maintenance Organization Act.
603*	Provide standing for the Foster Care Review Board.

687* Adopt the Agricultural Products Development Act.
705* Exempt art purchases by museums from sales and use tax.
747* Provide a homestead exemption on actual value.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

BRAD ASHFORD

LB

40* Modify provisions of judges retirement plan.
41* Provide for adjustments of judges retirement allowance.
42* Change provisions relating to Supreme Court salaries.
58* Change fee for amateur radio station license plates.
89* Adopt the Help Education Lead to Prosperity Act.
112* Change the fee for license plates with amateur radio call letters.
121* Create the Environmental Response Cooperation Fund.
140* Adopt the Nebraska College Savings Plan Act.
149* Establish limitations on campaign contributions.
150* Change provisions for handicapped parking permits.
156* Provide for license plates for purple heart recipients.
159* Change provisions relating to contributory fault.
163* Change provisions relating to waste reduction and recycling.
164* Establish the Task Force on Historic Preservation.
182* Change provisions relating to juveniles.
209* Exclude certain telecommunication revenue from gross receipts.
329* Provide an income tax credit for businesses providing day care.
333* Authorize acquisition of detached auxiliary offices by a bank.
351* Adopt the Self-Service Storage Act.
356* Provide a procedure for payment of certain claims of depositors.
362* Change provisions for benefits available to former Aid to Dependent Children (ADC) recipients.
371 Change provisions relating to beer distribution.
393* Provide for reimbursement of attorney's fees in school proceedings.
396* Authorize a limitation of liability of a corporate director.
422* Authorize counties to establish community service programs.
444* Change provisions relating to museums.

445 Provide for aggregating check amounts when classifying an offense.
446 Change a fee charged by court reporters.
449* Require additional reporting on Aid for Dependent Children (ADC) benefit recipients.
450 Provide for revoking operators' licenses for habitual offenders.
451* Change provision for filing statements by sanitary and improvement districts.
452 Change provision for board meetings under the Nonprofit Corporation Act.
453 Change provisions relating to bargaining units.
454 Require insurance coverage for reconstructive breast surgery.
455 Increase number of juvenile court judges in Douglas County.
456 Require first aid training for providers of early childhood programs.
460* Provide public funds for certain political campaigns.
473* Appropriate funds to state education.
476 Change provisions relating to articles of incorporation.
477 Change provisions for persons conducting bingo or lotteries.
478* Create a family court in certain counties.
479* Adopt the Rights of the Terminally Ill Act.
541* Provide procedures for certain claims against state employees.
542* Authorize the establishment of risk loss trusts at the University of Nebraska.
560* Require infertility coverage in certain health insurance policies.
563* Change a tax credit provision under the Employment Expansion Act.
564* Change a provision relating to failure to maintain levels of investment.
565 Change provisions of the Nebraska Short Form Act.
566 Redefine the term occasional sale.
567* Establish the Early Childhood Training Support Center.
594* Change provisions for liability of persons in nonprofit sports.
642 Require a waiting period prior to transferring of a handgun.

683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
742* Change eyesight requirements for drivers licenses.
747* Provide a homestead exemption on actual value.
796* Appropriate funds for transit centers and bus shelters.
806 Establish the Serious Habitual Juvenile Offenders Program.
809*** Adopt the Property Tax Relief Trust Fund Act.

LR

10CA* Constitutional amendment to increase number of Supreme Court judges.

DENNIS G. BAACK

LB

134* Establish the Junior Mathematics Prognosis Examination.
142* Authorize special license plates for disabled veterans.
143 Change funding provisions for technical community colleges.
144 Require plans and evaluations for handicapped students.
145 Change a contribution provision for city pension plans.
146 Change provisions relating to abandoned motor vehicles.
151* Change provisions relating to the Nebraska Historical Society.
152* Change provisions for special permits for overweight vehicles.
153* Change provision to allow liquor consumption at tourist attractions.
156* Provide for license plates for purple heart recipients.
161* Change provisions relating to economic poisons.
162* Provide funding for the state's animal damage program.
163* Change provisions relating to waste reduction and recycling.
183* Provide students an option of attending another school district.
183A Appropriation Bill.
221* Change permissible investments for cities and villages.
257 Provide requirements for erection and repair of state buildings.
260* Provide for a tax on marijuana and controlled substances.
268* Appropriate funds for medical education residency program.
386 Provide a restatement of intent relating to special education.

387* Prohibit the operation of motorized vessels on game refuges.
392 Require teachers and administrators to meet special education requirements.
393* Provide for reimbursement of attorney's fees in school proceedings.
425 Change operative date of provisions regulating x-ray system operators.
426 Change provisions for the collection of taxes.
427 Adopt the Postsecondary Enrollment Options Act.
429* Change provisions of the Health Care Certificate of Need Act.
435* Modify provisions of the Political Accountability and Disclosure Act.
514* Establish a comprehensive health education system in public schools.
514A* Appropriation Bill.
525* Provide for development of the Trailside Museum Complex.
544A Appropriation Bill.
545A Appropriation Bill.
570* Change sales tax provisions for contractors, fixtures, and retail sales.
573 Adopt the Nursing Pool Quality Assurance Act.
575* Provide for enforcement of disciplinary procedures in schools.
587* Change provisions of the Ethanol Authority and Development Act.
590* Create the Professional Staff Recruitment, Retention, and Development Program.
603* Provide standing for the Foster Care Review Board.
618* Provide funds for staff development of educational service units.
631 Allow the Legislature to act on initiative petition prior to public vote.
632 Change military service credit in school employees' retirement plan.
633 Authorize reclamation of cemetery lots.
634 Provide property tax reimbursements on homesteads.
635 Establish restrictions on recall elections.
636 Change provisions for seasonal employees under Employment Security Law.

637 Change provision relating to the payment of petition circulators.
638* Change the order of candidate names appearing on ballots.
646* Provide for medical staff privileges for podiatrists.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
664* Rename the Department of Public Institutions.
665* Provide for the establishment of pilot crisis intervention programs.
666* Adopt the Prevention Services Act for Children and Family Mental Health.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
719* Provide funding for a 911 emergency telephone communication system.
770* Appropriate funds for academic computing and library automation.

LR

13CA Modify signature requirements for initiative and referendum petitions.

WILLIAM E. BARRETT

LB

60 Change provisions relating to the Securities Act of Nebraska.
84*** Adopt the Property Tax Relief Act.
247* Create the Colleges for the Future Commission.
272 Change provisions relating to exceptions to the maximum interest rate.
298* Increase the rate for publication of legal notices.
301** Appropriate funds for payment of state officers salaries.
302** Appropriate funds for legislators' salaries.
303** Change state's contribution to employees health insurance program.
303A** Appropriation Bill.
304** Appropriate funds for the expenses of state government.
305** Provide funds for education and job training to technical colleges.
306** Provide a counseling program for state employees and their families.
307** Appropriate funds for capital construction.
308** Provide for deficiency appropriations for state agencies.

309** Provide salary increases for state employees.
309A** Appropriation Bill.
310** Eliminate obsolete language regarding the cash reserve fund.
408* Adopt the Youth Leadership Academy Act and the Nebraska Student Exchange Act.
408A Appropriation Bill.
409* Adopt the Nebraska Small Business Incubator Act.
534* Change provisions of the Political Accountability and Disclosure Act.
575* Provide for enforcement of disciplinary procedures in schools.
575A Appropriation Bill.
603* Provide standing for the Foster Care Review Board.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
665* Provide for the establishment of pilot crisis intervention programs.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
739*** Change provisions for computing the state income tax.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.
817*** Establish certain parts of boundary between Nebraska and South Dakota.

SHARON BECK

LB
84*** Adopt the Property Tax Relief Act.
102* Limit minors access to certain harmful materials.
125* Authorize eminent domain by metropolitan utility districts.
141* Provide that Driving While Intoxicated (DWI) and implied consent laws apply on private property.
249* Adopt the Tax Delinquency Amnesty Act.
325* Adopt the Degradable Products Act.
346* Provide a deduction from income for certain educational expenses.
422* Authorize counties to establish community service programs.
447* Adopt the Secondary Vocational Education Program Improvement Act.

483* Change the definition of exceptionally hazardous drug.
576* Establish provisions for master plans for road construction.
592* Provide additional penalties for controlled substance possession.
674* Change provisions relating to the sale of obscene materials to minors.
687* Adopt the Agricultural Products Development Act.
757* Provide for the licensure of naturopaths.
769* Change provisions relating to abortion.
771* Provide insurance premium reduction for certain owners.
775* Change the rates of tax on bingo.
809*** Adopt the Property Tax Relief Trust Fund Act.

DAVID F. BERNARD-STEVENS

LB
43 Increase liquidated damage amounts for wildlife violations.
44 Provide payment of legal costs for persons mentally incompetent.
44A Appropriation Bill.
45 Eliminate fees for withdrawal of incidentally stored underground water.
134* Establish the Junior Mathematics Prognosis Examination.
137* Increase retirement benefits for Nebraska State Patrol.
182* Change provisions relating to juveniles.
183* Provide students an option of attending another school district.
211* Increase the statute of limitations for sexual assault of a child.
218* Provide warrantless arrests for offenses involving household members.
250* Require competency training for teachers in human relations.
253* Change a provision relating to nonpartisan primary elections.
268* Appropriate funds for medical education residency program.
271* Provide representation for counties on public power district boards.
275* Create a property tax relief fund.
330* Change provisions relating to domestic abuse.
375* Change the administrative fee for the city sales tax.

407 Redefine the term employer under the Wage Payment and Collection Act.
419* Change provisions for the hours a railroad employee may work.
420 Require the confinement of juveniles in separate detention facilities.
428* Establish the Nebraska Central Facility for Microscopy and Microanalysis.
435* Modify provisions of the Political Accountability and Disclosure Act.
521* Require technical community colleges to conduct health care surveys.
528 Provide increased state aid to school districts.
567* Establish the Early Childhood Training Support Center.
603* Provide standing for the Foster Care Review Board.
611* Adopt the Public Education Income Tax Act.
643 Provide an allowance for estimated tax losses for budgeting purposes.
657 Provide for an income tax for certain school districts.
658 Define the offense of vehicular assault.
663* Adopt the Juvenile Services Act.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
714* Change the definition of retailer, contractor, or repairperson.
770* Appropriate funds for academic computing and library automation.
809*** Adopt the Property Tax Relief Trust Fund Act.

EMIL E. BEYER, JR.

LB
156* Provide for license plates for purple heart recipients.
212 Adopt the Private Investigation Act.
223* Require separate vote on veto overrides.
248* Authorize the suspension of driving privileges for certain juveniles.
270* Change provisions for filing of protests to Natural Resources projects.
292 Change provisions for homestead exemption for certain veterans.
293 Exempt disabled veterans from paying hunting and fishing permit fees.

294	Change property tax exemptions for blind and disabled veterans.
472*	Adopt the First Responders Emergency Rescue Act.
473*	Appropriate funds to state education.
519	Permit approved technicians to administer rabies vaccinations.
661	Provide for sales tax refund on vehicle returned to manufacturer.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
769*	Change provisions relating to abortion.
799	Provide penalties for driving under the influence of intoxicating drugs.
809***	Adopt the Property Tax Relief Trust Fund Act.

DENNIS M. BYARS

LB	
111*	Authorize the service of papers by private individuals.
266*	Require the display of Prisoner of War/Missing in Action (POW/MIA) flags.
276	Change provisions for filing documents with the Register of Deeds.
422*	Authorize counties to establish community service programs.
732*	Change definitions under the Nebraska Mental Health Commitment Act.
809***	Adopt the Property Tax Relief Trust Fund Act.
809A	Appropriation Bill.

ERNIE CHAMBERS

LB	
48*	Prohibit promotional distribution of smokeless tobacco products.
150*	Change provisions for handicapped parking permits.
151*	Change provisions relating to the Nebraska Historical Society.
159*	Change provisions relating to contributory fault.
165	Change election provision for the Omaha City Council districts.
250*	Require competency training for teachers in human relations.
340	Adopt the Unmarked Human Burial Sites and Skeletal Remains Act.
340A	Appropriation Bill.

356* Provide a procedure for payment of certain claims of depositors.
397* Establish due process requirements for the National Collegiate Athletic Association (NCAA).
438* Require funding for School of the Deaf and School for the Visually Impaired.
443* Change provisions for corroboration of testimony in sexual assault cases.
464 Prohibit the death penalty for persons with mental retardation.
465 Prohibit discrimination against persons with acquired immunodeficiency syndrome.
543 Establish a minority student scholarship program.
588 Change provisions for election of certain county commissioners.
596 Eliminate the death penalty.
603* Provide standing for the Foster Care Review Board.
693* Provide for voter registration on election day.
708 Prohibit the National Collegiate Athletic Association (NCAA) from interfering with Pell grants to athletes.
709 Require payment to University of Nebraska football players.

JERRY CHIZEK

LB

84*** Adopt the Property Tax Relief Act.
89* Adopt the Help Education Lead to Prosperity Act.
137* Increase retirement benefits for Nebraska State Patrol.
138 Change provision relating to public indecency.
139 Change provisions relating to Jail Standards Board.
140* Adopt the Nebraska College Savings Plan Act.
140A Appropriation Bill.
147 Increase the number of judges of the district court.
147A Appropriation Bill.
148* Provide rebuttable presumption of death or disability for personnel.
151* Change provisions relating to the Nebraska Historical Society.
157 Require disclosure of patient information to emergency personnel.
159* Change provisions relating to contributory fault.
164* Establish the Task Force on Historic Preservation.
200 Change penalty provisions for theft.

201 Change provisions for operating a motor vehicle to avoid arrest.
202 Authorize use of intercepted communications during gambling investigation.
203 Create the offense of disarming a peace officer.
204 Change provisions relating to disturbing the peace.
205 Change provisions for offenses relating to drugs and narcotics.
210* Provide immunity from civil liability for certain physicians.
224* Adopt the Athlete Agents Registration Act.
229 Change provisions relating to probate and adoption records.
230 Change provisions relating to summons in forcible entry.
231 Change medical history requirements in adoption proceedings.
232 Enumerate provisions for the returning of process and filing in court.
233 Change provisions relating to court fees.
239* Provide an income tax credit relating to child and dependent care.
252 Change provisions of the State Patrol retirement plan.
264* Adopt the Work-Study Act.
265 Change provisions for child support referees.
275* Create a property tax relief fund.
365* Change provisions relating to county fairs.
372* Prohibit acts relating to use of financial transaction devices and forms.
473* Appropriate funds to state education.
494* Authorize imposing fees for garbage disposal.
507* Require supervision of apprentice electricians.
529 Eliminate provision prohibiting banks from selling insurance.
552 Provide procedure for settling visitation disputes.
553 Prohibit interference with child visitation rights.
554 Adopt the Child Visitation Mediator Act.
563* Change a tax credit provision under the Employment Expansion Act.
564* Change a provision relating to failure to maintain levels of investment.
572* Change a restriction on the sale of pickle cards.
576* Establish provisions for master plans for road construction.

580* Create the Office of Fire Programs and the Fire Programs Commission.
660* Change provisions relating to bingo and pickle cards.
662* Adopt the Family Services Incentive Act for Communities.
664* Rename the Department of Public Institutions.
673 Repeal the Nebraska Hospital-Medical Liability Act.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
742* Change eyesight requirements for drivers licenses.
747* Provide a homestead exemption on actual value.
747A Appropriation Bill.
750 Provide for payment of sales tax on boats.
796* Appropriate funds for transit centers and bus shelters.

GERALD CONWAY

LB

84*** Adopt the Property Tax Relief Act.
140* Adopt the Nebraska College Savings Plan Act.
142* Authorize special license plates for disabled veterans.
150* Change provisions for handicapped parking permits.
151* Change provisions relating to the Nebraska Historical Society.
159* Change provisions relating to contributory fault.
164* Establish the Task Force on Historic Preservation.
195* Change provisions for operating a motorboat under influence of alcohol.
238* Change a provision relating to claims for nonpayment of wages.
260* Provide for a tax on marijuana and controlled substances.
260A Appropriation Bill.
264* Adopt the Work-Study Act.
266* Require the display of Prisoner of War/Missing in Action (POW/MIA) flags.
268* Appropriate funds for medical education residency program.
299 Adopt the Tax Delinquency Amnesty Act.
324 Increase fees for certain county services.
349 Change provisions relating to credit for reduction from liability.
390 Exclude certain affiliated corporations from required reports.

391 Add an exemption from securities registration requirement.
395* Change provisions for tax levy by technical community colleges.
396* Authorize a limitation of liability of a corporate director.
435* Modify provisions of the Political Accountability and Disclosure Act.
548* Exempt bed and breakfast establishments from Nebraska Pure Food Act regulations.
568* Change provisions for conducting of local lotteries.
572* Change a restriction on the sale of pickle cards.
576* Establish provisions for master plans for road construction.
649 Change provisions relating to financial responsibility for motor vehicle.
660* Change provisions relating to bingo and pickle cards.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
714* Change the definition of retailer, contractor, or repairperson.
760* Change the names of the four state colleges.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.
817*** Establish certain parts of boundary between Nebraska and South Dakota.
817A Appropriation Bill.

GEORGE COORDSEN

LB
55* Exempt certain officials from financial disclosure requirements.
56 Change provisions for record keeping by raw fur buyers.
57 Change provisions relating to use of motor vehicle tax funds.
58* Change fee for amateur radio station license plates.
59 Adopt the Collision Damage Waiver Act.
161* Change provisions relating to economic poisons.
182* Change provisions relating to juveniles.
182A Appropriation Bill.
197 Change eligibility provisions for certain homestead exemptions.
223* Require separate vote on veto overrides.
268* Appropriate funds for medical education residency program.

289* Adopt the Petroleum Release Remedial Action Act.
357* Provide financial incentives for nursing students.
361* Change provisions for agricultural and horticultural land.
412A Appropriation Bill.
415* Change disqualification provisions under the Employment Security Law.
472* Adopt the First Responders Emergency Rescue Act.
493* Authorize Department of Correctional Services to operate juvenile facility.
495 Change provisions relating to motor vehicle financial responsibility.
504 Exempt truck bodies and related equipment from property taxes.
523* Exempt agricultural equipment sold outside Nebraska from sales tax.
574* Provide for a pseudorabies eradication plan.
603* Provide standing for the Foster Care Review Board.
624* Adopt the Uniform Unclaimed Property Act.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
672* Create the Rural Development Innovations Grant Program.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
711* Change a provision relating to transactions exempt from registration.
743* Appropriate funds for the Nebraska Community Aging Services Act.
757* Provide for the licensure of naturopaths.
762A Appropriation Bill.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

LAVON CROSBY

LB

48* Prohibit promotional distribution of smokeless tobacco products.
89* Adopt the Help Education Lead to Prosperity Act.
102* Limit minors access to certain harmful materials.
194* Allow for additional uses of funds in business improvement districts.

346* Provide a deduction from income for certain educational expenses.
356* Provide a procedure for payment of certain claims of depositors.
357* Provide financial incentives for nursing students.
422* Authorize counties to establish community service programs.
447* Adopt the Secondary Vocational Education Program Improvement Act.
560* Require infertility coverage in certain health insurance policies.
603* Provide standing for the Foster Care Review Board.
674* Change provisions relating to the sale of obscene materials to minors.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
740 Provide requirements for employment of school nurses.
741 Provide for school health services.
741A Appropriation Bill.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

MERTON L. DIERKS

LB
47 Change licensing provisions for motor vehicle dealers.
48* Prohibit promotional distribution of smokeless tobacco products.
49 Change provisions relating to noxious weeds.
49A Appropriation Bill.
50* Change provisions for the protection of animals.
51 Exempt certain animals from confinement requirements.
52* Change provisions relating to the Low-Level Radioactive Waste Act.
58* Change fee for amateur radio station license plates.
117* Adopt the Leafy Spurge Control Act.
127* Change provisions for hunting during deer season.
346* Provide a deduction from income for certain educational expenses.
347* Change provisions for proof of ownership relating to motor vehicles.
378* Create the Office of Rural Health.
387* Prohibit the operation of motorized vessels on game refuges.

395* Change provisions for tax levy by technical community colleges.
397* Establish due process requirements for the National Collegiate Athletic Association (NCAA).
422* Authorize counties to establish community service programs.
520* Adopt the Nursing Incentive Act.
571* Prohibit the possession or transfer of anabolic steroids.
574* Provide for a pseudorabies eradication plan.
575* Provide for enforcement of disciplinary procedures in schools.
582* Change fee provisions under the Nebraska Beef Industry Development Act.
618* Provide funds for staff development of educational service units.
672* Create the Rural Development Innovations Grant Program.
710* Appropriate funds for an analysis of water management alternatives.
711* Change a provision relating to transactions exempt from registration.
715* Change provisions for the transfer of ground water in Nebraska.
743* Appropriate funds for the Nebraska Community Aging Services Act.
769* Change provisions relating to abortion.

W. OWEN ELMER

LB

83* Adopt the Noxious Weed Control Act.
114* Change a provision restricting the operation of all-terrain vehicles.
117* Adopt the Leafy Spurge Control Act.
128* Change provisions for crediting of motor vehicle registration fees.
135* Change salary provision for county hospital boards.
150* Change provisions for handicapped parking permits.
156* Provide for license plates for purple heart recipients.
161* Change provisions relating to economic poisons.
162* Provide funding for the state's animal damage program.
183* Provide students an option of attending another school district.

268*	Appropriate funds for medical education residency program.
278*	Change a provision for priority of liens.
286	Eliminate requirement for irrigation districts to file budget statements.
325*	Adopt the Degradable Products Act.
361*	Change provisions for agricultural and horticultural land.
370	Provide for county school operation tax districts.
429*	Change provisions of the Health Care Certificate of Need Act.
501	Require affixing of motor vehicle identification number.
502	Exempt irrigation districts from Nebraska Budget Act requirements.
523*	Exempt agricultural equipment sold outside Nebraska from sales tax.
576*	Establish provisions for master plans for road construction.
609	Prohibit write-ins for natural resource district directors.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
690*	Change requirements for wearing helmets by motorcyclists.
716*	Create the Water Impoundment Construction Trust Fund.
742*	Change eyesight requirements for drivers licenses.
767*	Change provisions of the Nebraska County and City Lottery Act.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

GLENN A. GOODRICH

LB	
125*	Authorize eminent domain by metropolitan utility districts.
126	Revise the power of credit unions.
156*	Provide for license plates for purple heart recipients.
237	Change provisions of the Omaha school retirement plan.
350	Change provisions of the Nebraska Real Estate License Act.
350A	Appropriation Bill.
374*	Provide for involuntary commitments of persons with mental disorders.
422*	Authorize counties to establish community service programs.

448 Authorize the obtaining of criminal history information on teachers.
471 Establish provisions for firefighter's clothing and equipment.
473* Appropriate funds to state education.
503 Increase the salaries of state constitutional officers.
503A Appropriation Bill.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
698 Define the term fringe benefits under the Wage Payment Act.
745 Eliminate the Nebraska Health Care Certificate of Need Act.
752 Change tuition assistance for the Nebraska National Guard.
753 Change provisions of the Medical Student Assistance Act.
754 Require a study for demand of health care personnel.
759* Change provision for names of building and loan associations.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

REX HABERMAN

LB
61 Provide for foreign insurer's approval as domestic insurers.
84*** Adopt the Property Tax Relief Act.
137* Increase retirement benefits for Nebraska State Patrol.
268* Appropriate funds for medical education residency program.
271* Provide representation for counties on public power district boards.
287 Establish a retirement system for second class city police officers.
334 Provide for notice of trustee substitutions.
335* Change provisions relating to tax credits.
388 Change the age for voluntary membership in the State Retirement System.
389 Change provisions for continuing education expenses for county attorneys.
418 Change the term of Public Employees Retirement Board members.

506	Change provisions of the state administered retirement plans.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
711*	Change a provision relating to transactions exempt from registration.
718	Provide for a refund of certain fuel taxes.
744A	Appropriation Bill.
760*	Change the names of the four state colleges.

TIMOTHY J. HALL

LB	
84***	Adopt the Property Tax Relief Act.
129	Create telephone communication system for hearing and speech impaired.
129A	Appropriation Bill.
130	Require the Commission for Hearing Impaired to provide equipment.
148*	Provide rebuttable presumption of death or disability for personnel.
150*	Change provisions for handicapped parking permits.
156*	Provide for license plates for purple heart recipients.
163*	Change provisions relating to waste reduction and recycling.
238*	Change a provision relating to claims for nonpayment of wages.
239*	Provide an income tax credit relating to child and dependent care.
240	Change requirements for parking permits issued to handicapped persons.
241	Remove restrictions on hiring or paying circulators of petitions.
243*	Provide for the offense of enticing a child.
250*	Require competency training for teachers in human relations.
250A	Appropriation Bill.
262	Authorize an increase in the hotel occupancy tax.
315*	Change weekly benefit provisions under the Employment Security Act.
316*	Change weekly benefit amounts under the Employment Security Act.
346*	Provide a deduction from income for certain educational expenses.
346A	Appropriation Bill.

351* Adopt the Self-Service Storage Act.
356* Provide a procedure for payment of certain claims of depositors.
361* Change provisions for agricultural and horticultural land.
365* Change provisions relating to county fairs.
429* Change provisions of the Health Care Certificate of Need Act.
436 Redefine the term retail sale.
438* Require funding for School of the Deaf and School for the Visually Impaired.
438A* Appropriation Bill.
475 Provide an alternate method of serving documents to tenants.
507* Require supervision of apprentice electricians.
557* Exempt food from vending machines from sales tax.
651 Provide priorities for postsecondary education financial awards.
651A Appropriation Bill.
652 Adopt the State Stationary Engineer Act.
653* Provide for the Tax Commissioner to assess real and personal property.
653A Appropriation Bill.
654 Provide a sales and use tax for funding for school districts.
655 Eliminate a property tax exemption for farm machinery.
659* Require a preplacement home study in certain adoption proceedings.
660* Change provisions relating to bingo and pickle cards.
668 Change provisions for admissibility in evidence of certain crimes.
669 Change provisions relating to conditions of probation.
672* Create the Rural Development Innovations Grant Program.
701 Change the membership of the Executive Board of the Legislative Council.
702 Eliminate the ex officio member of the Executive Board of the Legislature.
703 Change provisions relating to sale of alcohol during certain hours.
704 Authorize the sale of alcoholic liquor between retailers.
705* Exempt art purchases by museums from sales and use tax.
706* Provide for loans to school for abatement of environmental hazards.
707 Change sales tax provisions relating to motor vehicles.

711*	Change a provision relating to transactions exempt from registration.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
769*	Change provisions relating to abortion.
775*	Change the rates of tax on bingo.
796*	Appropriate funds for transit centers and bus shelters.

LR

6CA	Constitutional amendment to increase signature requirement for petitions.
7CA	Authorize adoption of home rule charter by certain counties.

GARY E. HANNIBAL

LB

150*	Change provisions for handicapped parking permits.
375*	Change the administrative fee for the city sales tax.
440	Change the penalty for falsifying identification cards.
441*	Provide for the regulation of near beer.
451*	Change provision for filing statements by sanitary and improvement districts.
530	Exempt certain activities from the Asbestos Control Act.
593*	Change provisions for branches of building and loan associations.
695	Change requirements for brakes on trailers.
737*	Exempt certain purchases of advertising from sales and use tax.
739***	Change provisions for computing the state income tax.
739A	Appropriation Bill.
809***	Adopt the Property Tax Relief Trust Fund Act.

D. PAUL HARTNETT

LB

48*	Prohibit promotional distribution of smokeless tobacco products.
58*	Change fee for amateur radio station license plates.
90*	Change provisions relating to hunting and shooting.
151*	Change provisions relating to the Nebraska Historical Society.
193*	Exempt purchases by sanitary improvement districts from sales tax.
275*	Create a property tax relief fund.
277*	Authorize Tax Commissioner to withhold income tax on annuity payments.

335* Change provisions relating to tax credits.
379 Authorize investment through repurchase agreements for school funds.
419* Change provisions for the hours a railroad employee may work.
444* Change provisions relating to museums.
466 Exempt attorneys from abstractor's continuing education requirement.
467 Eliminate continuing education requirement for real estate brokers.
473* Appropriate funds to state education.
507* Require supervision of apprentice electricians.
515 Provide a restriction on automatic dialing-announcing devices.
516* Change eligibility requirements for handicapped parking permits.
538* Authorize use of funds for municipal transit systems.
557* Exempt food from vending machines from sales tax.
568* Change provisions for conducting of local lotteries.
572* Change a restriction on the sale of pickle cards.
578 Provide duties for state investment officer relating to corporations.
602* Change provisions relating to allocation of Highway Trust Fund.
603* Provide standing for the Foster Care Review Board.
603A Appropriation Bill.
660* Change provisions relating to bingo and pickle cards.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
699 Change the definition of corporal punishment.
700 Change the sales tax rate and provide for state aid to school districts.
747* Provide a homestead exemption on actual value.
769* Change provisions relating to abortion.
771* Provide insurance premium reduction for certain owners.
776* Change provisions relating to service contracts.
788 Adopt the Municipal Waste-to-Energy Facilities Act.
789 Authorize lump sum retirement benefits for certain police officers.
790 Change provisions for voting by mayor in cities of the first class.
791 Provide for election to membership in a fire protection district.

792 Change provisions for electing trustees for sanitary improvement districts.
793 Provide for taxation of satellite programming and services.
794 Adopt the Property Tax Equalization Commission Act.
803 Require borrower's approval of an alteration in collection schedule.

LR
19CA Constitutional amendment to establish the Property Tax Equalization Commission.

ELROY M. HEFNER

LB
48* Prohibit promotional distribution of smokeless tobacco products.
107 Change provisions for foundation aid to schools.
108 Prohibit motor vehicles which display obscene words.
127* Change provisions for hunting during deer season.
149* Establish limitations on campaign contributions.
150* Change provisions for handicapped parking permits.
156* Provide for license plates for purple heart recipients.
195* Change provisions for operating a motorboat under influence of alcohol.
223* Require separate vote on veto overrides.
224* Adopt the Athlete Agents Registration Act.
248* Authorize the suspension of driving privileges for certain juveniles.
249* Adopt the Tax Delinquency Amnesty Act.
268* Appropriate funds for medical education residency program.
288 Permit the Commission of Industrial Relations to consider certain items.
325* Adopt the Degradable Products Act.
361* Change provisions for agricultural and horticultural land.
395* Change provisions for tax levy by technical community colleges.
408* Adopt the Youth Leadership Academy Act and the Nebraska Student Exchange Act.
409* Adopt the Nebraska Small Business Incubator Act.
415* Change disqualification provisions under the Employment Security Law.
460* Provide public funds for certain political campaigns.
526* Change liability provisions for landowners who charge admission.

532* Establish a tax credit for vocational and technical students.
548* Exempt bed and breakfast establishments from Nebraska Pure Food Act regulations.
557* Exempt food from vending machines from sales tax.
570* Change sales tax provisions for contractors, fixtures, and retail sales.
571* Prohibit the possession or transfer of anabolic steroids.
714* Change the definition of retailer, contractor, or repairperson.
769* Change provisions relating to abortion.
781* Change the powers of the Nebraska Liquor Control Commission.
809*** Adopt the Property Tax Relief Trust Fund Act.

LR

2CA* Constitutional amendment to authorize separate taxation of agricultural land.

LOWELL C. JOHNSON

LB

101* Change provisions for all-terrain vehicles.
150* Change provisions for handicapped parking permits.
206 Establish maximum fees for collection agencies.
207 Change a date relating to building and loan associations.
248* Authorize the suspension of driving privileges for certain juveniles.
325* Adopt the Degradable Products Act.
361* Change provisions for agricultural and horticultural land.
387* Prohibit the operation of motorized vessels on game refuges.
395* Change provisions for tax levy by technical community colleges.
538* Authorize use of funds for municipal transit systems.
594* Change provisions for liability of persons in nonprofit sports.
600 Appropriate funds for the University of Nebraska at Lincoln.
759* Change provision for names of building and loan associations.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

ROD JOHNSON

LB	
35	Change penalty provision relating to the Grain Dealer Act.
36	Eliminate regulatory provisions relating to warehousing grain.
37	Change provisions relating to the Nebraska Seed Law.
37A	Appropriation Bill.
38	Change powers and duties of the Department of Agriculture.
39	Change provisions relating to weights and measures.
83*	Adopt the Noxious Weed Control Act.
84***	Adopt the Property Tax Relief Act.
117*	Adopt the Leafy Spurge Control Act.
118	Change provisions for county extension offices.
119	Change a limit on chemigation practices.
120	Permit additional security for licensee under Grain Warehouse Act.
121*	Create the Environmental Response Cooperation Fund.
122	Exempt vehicles transporting manufactured homes from height limits.
161*	Change provisions relating to economic poisons.
162*	Provide funding for the state's animal damage program.
162A	Appropriation Bill.
163*	Change provisions relating to waste reduction and recycling.
242	Authorize prior service credit for military service by teachers.
268*	Appropriate funds for medical education residency program.
325*	Adopt the Degradable Products Act.
356*	Provide a procedure for payment of certain claims of depositors.
361*	Change provisions for agricultural and horticultural land.
381	Change provisions for tractor testing.
435*	Modify provisions of the Political Accountability and Disclosure Act.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
485	Eliminate provisions relating to transferring personalized plates.
581	Change taxation provisions for auction sales.
582*	Change fee provisions under the Nebraska Beef Industry Development Act.

582A Appropriation Bill.
589* Change provisions of the Nebraska Seed Law.
611* Adopt the Public Education Income Tax Act.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
736* Authorize interstate simulcasting.
748 Authorize the Investment Council to give priority to commodity loans.
749 Add a permissible type of security for loan participation.
767* Change provisions of the Nebraska County and City Lottery Act.

LR

2CA* Constitutional amendment to authorize separate taxation of agricultural land.

FRANK KORSHOJ

LB

79 Authorize prestige plates for certain commercial trucks.
80 Eliminate restriction on where Indians may obtain marriage licenses.
81 Change provisions for election of drainage district boards.
82 Change provision relating to jury lists.
84*** Adopt the Property Tax Relief Act.
196 Change a provision for using lie detector examinations.
275* Create a property tax relief fund.
278* Change a provision for priority of liens.
335* Change provisions relating to tax credits.
335A Appropriation Bill.
395* Change provisions for tax levy by technical community colleges.
432* Require annual reports on Employment and Investment Growth Act.
433* Limit the adjustment to income for capital gains.
473* Appropriate funds to state education.
490* Make defrauding a supplier a criminal offense.
492 Change provisions relating to the election of register of deeds.
494* Authorize imposing fees for garbage disposal.
496 Prohibit possession of anabolic steroids without prescription.
512 Provide indemnification of employees of the Nebraska Historical Society.

523* Exempt agricultural equipment sold outside Nebraska from sales tax.
570* Change sales tax provisions for contractors, fixtures, and retail sales.
571* Prohibit the possession or transfer of anabolic steroids.
580* Create the Office of Fire Programs and the Fire Programs Commission.
672* Create the Rural Development Innovations Grant Program.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
693* Provide for voter registration on election day.
742* Change eyesight requirements for drivers licenses.
757* Provide for the licensure of naturopaths.
769* Change provisions relating to abortion.

DOUG KRISTENSEN

LB
160* Establish the University of Nebraska at Kearney.
182* Change provisions relating to juveniles.
261* Change provisions for location of Workers' Compensation Court hearings.
261A Appropriation Bill.
267* Establish a definition of the word daytime relating to search warrants.
331 Provide for legal defense of employees of political subdivisions.
332 Change provisions for appeals of valuation of real property.
376 Require laboratories to obtain permits prior to testing.
377 Adopt the Uniform Statutory Rule Against Perpetuities Act.
443* Change provisions for corroboration of testimony in sexual assault cases.
483* Change the definition of exceptionally hazardous drug.
493* Authorize Department of Correctional Services to operate juvenile facility.
586* Create the Appellate Division of the District Court.
586A Appropriation Bill.
608 Change provisions for contents of surety bonds for motor vehicle dealers.
626 Change provisions relating to criminal mischief.
627 Change the residency requirement for public defenders.

653* Provide for the Tax Commissioner to assess real and personal property.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
761* Change provisions relating to low-level radioactive waste.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

BERNICE LABEDZ

LB

125* Authorize eminent domain by metropolitan utility districts.
150* Change provisions for handicapped parking permits.
156* Provide for license plates for purple heart recipients.
158 Change provisions relating to personalized prestige license plates.
158A Appropriation Bill.
182* Change provisions relating to juveniles.
187* Change responsibility for providing medical assistance to the poor.
243* Provide for the offense of enticing a child.
315* Change weekly benefit provisions under the Employment Security Act.
316* Change weekly benefit amounts under the Employment Security Act.
346* Provide a deduction from income for certain educational expenses.
356* Provide a procedure for payment of certain claims of depositors.
365* Change provisions relating to county fairs.
429* Change provisions of the Health Care Certificate of Need Act.
507* Require supervision of apprentice electricians.
557* Exempt food from vending machines from sales tax.
576* Establish provisions for master plans for road construction.
591* Provide for interstate simulcasting.
593* Change provisions for branches of building and loan associations.
603* Provide standing for the Foster Care Review Board.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.

664* Rename the Department of Public Institutions.
665* Provide for the establishment of pilot crisis intervention programs.
666* Adopt the Prevention Services Act for Children and Family Mental Health.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
711* Change a provision relating to transactions exempt from registration.
742* Change eyesight requirements for drivers licenses.
743* Appropriate funds for the Nebraska Community Aging Services Act.
768 Authorize a city occupation tax on liquor retailers.
769* Change provisions relating to abortion.
775* Change the rates of tax on bingo.
796* Appropriate funds for transit centers and bus shelters.

HOWARD LAMB

LB
46* Change buy-back retirement provisions for county school officials.
48* Prohibit promotional distribution of smokeless tobacco products.
84*** Adopt the Property Tax Relief Act.
84A Appropriation Bill.
101* Change provisions for all-terrain vehicles.
128* Change provisions for crediting of motor vehicle registration fees.
162* Provide funding for the state's animal damage program.
166 Provide for the sale of nongame fish.
188* Require the sale of educational land.
223* Require separate vote on veto overrides.
268* Appropriate funds for medical education residency program.
274 Change the calculation for equalization aid to school districts.
275* Create a property tax relief fund.
284A Appropriation Bill.
285A Appropriation Bill.
312* Change termination date of the School Financing Review Commission.
347* Change provisions for proof of ownership relating to motor vehicles.
361* Change provisions for agricultural and horticultural land.

368	Authorize limitation of director's liability under Nonprofit Corporation Act.
369	Change the definition of farm trailer.
462	Change licensure provision for early childhood programs.
547	Provide immunity from liability for livestock owners.
589*	Change provisions of the Nebraska Seed Law.
667	Change a penalty provision for issuing a bad check.
710*	Appropriate funds for an analysis of water management alternatives.
711*	Change a provision relating to transactions exempt from registration.
713	Change width restriction for vehicles used for hauling livestock feed.
714*	Change the definition of retailer, contractor, or repairperson.
715*	Change provisions for the transfer of ground water in Nebraska.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

LR

2CA*	Constitutional amendment to authorize separate taxation of agricultural land.

DAVID M. LANDIS

LB

92	Change provisions relating to insurance.
92A	Appropriation Bill.
93	Change the limitation on securities registration fees.
94	Authorize the purchase of nonfiling insurance.
95	Authorize the regulation of intrastate natural gas pipelines.
96	Change the distribution of the cigarette tax.
97	Provide when partnership distributions constitute principal or income.
98	Provide for the payment of a central data processing facility.
99	Change provisions relating to investment securities.
100	Adopt uniform provisions governing leases of goods.
151*	Change provisions relating to the Nebraska Historical Society.
164*	Establish the Task Force on Historic Preservation.
213	Change provisions regarding the standard of review of agency decisions.

214 Change provisions for property and casualty insurance.
214A Appropriation Bill.
222 Change provisions for maximum liability for underinsured motorist.
248* Authorize the suspension of driving privileges for certain juveniles.
272A Appropriation Bill.
279 Change provisions for certificate of authority to transact business.
297 Change provisions relating to lines of insurance.
311* Change provisions for wastewater treatment facilities.
323 Change provisions relating to optometrists.
326* Authorize self insurance for certain risks and purchase of services.
329* Provide an income tax credit for businesses providing day care.
329A Appropriation Bill.
356* Provide a procedure for payment of certain claims of depositors.
361* Change provisions for agricultural and horticultural land.
361A Appropriation Bill.
423 Adopt the Uniform Fraudulent Transfer Act.
424 Provide for installation of ignition interlock devices.
479* Adopt the Rights of the Terminally Ill Act.
480 Change provisions of the Long-Term Care Insurance Act.
542* Authorize the establishment of risk loss trusts at the University of Nebraska.
555* Provide for attorney consultation for persons in custody.
603* Provide standing for the Foster Care Review Board.
604 Change provisions relating to boxing.
605 Change provisions for disqualification for employment security benefits.
606 Establish limit actions on credit agreements.
607 Provide for valuation adjustments by State Board of Equalization.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
664* Rename the Department of Public Institutions.
665* Provide for the establishment of pilot crisis intervention programs.
682 Change provisions relating to underground storage tanks.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.

683A Appropriation Bill.

LR

1 Withdraw Nebraska's request for a United States constitutional convention.

LORRAINE LANGFORD

LB

160* Establish the University of Nebraska at Kearney.
211* Increase the statute of limitations for sexual assault of a child.
346* Provide a deduction from income for certain educational expenses.
348 Redefine chiropractic practice.
493* Authorize Department of Correctional Services to operate juvenile facility.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
757* Provide for the licensure of naturopaths.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

JOHN C. LINDSAY

LB

116* Eliminate citations for prostitute arrests.
125* Authorize eminent domain by metropolitan utility districts.
148* Provide rebuttable presumption of death or disability for personnel.
156* Provide for license plates for purple heart recipients.
159* Change provisions relating to contributory fault.
164* Establish the Task Force on Historic Preservation.
182* Change provisions relating to juveniles.
187* Change responsibility for providing medical assistance to the poor.
243* Provide for the offense of enticing a child.
315* Change weekly benefit provisions under the Employment Security Act.
316* Change weekly benefit amounts under the Employment Security Act.
325* Adopt the Degradable Products Act.
346* Provide a deduction from income for certain educational expenses.
394* Provide for motor vehicle safety inspections.

478* Create a family court in certain counties.
539 Provide for licensing of mobile cosmetology salons.
540 Redefine the terms gross receipts and retail sale.
541* Provide procedures for certain claims against state employees.
542* Authorize the establishment of risk loss trusts at the University of Nebraska.
563* Change a tax credit provision under the Employment Expansion Act.
564* Change a provision relating to failure to maintain levels of investment.
681 Adopt the Consumer Rental Purchase Agreement Act.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
684 Change provisions for enhancement of penalties based on prior conviction.
685 Change provisions for right of appeal in criminal proceedings.
686 Change provisions for defense to charge selling of alcohol to minors.
688 Authorize persons at child care facilities to perform health services.
689* Change provisions for contracts for certain vending operations.
705* Exempt art purchases by museums from sales and use tax.
769* Change provisions relating to abortion.
775* Change the rates of tax on bingo.

DANIEL C. LYNCH

LB
88 Increase the income limits for certain homestead exemptions.
89* Adopt the Help Education Lead to Prosperity Act.
89A Appropriation Bill.
90* Change provisions relating to hunting and shooting.
91 Authorize State Fire Marshal to adopt and promulgate standards.
125* Authorize eminent domain by metropolitan utility districts.
150* Change provisions for handicapped parking permits.
151* Change provisions relating to the Nebraska Historical Society.
156* Provide for license plates for purple heart recipients.

187* Change responsibility for providing medical assistance to the poor.
187A Appropriation Bill.
189* Change appointment procedures for Legislature's Retirement System.
210* Provide immunity from civil liability for certain physicians.
277* Authorize Tax Commissioner to withhold income tax on annuity payments.
346* Provide a deduction from income for certain educational expenses.
356* Provide a procedure for payment of certain claims of depositors.
365* Change provisions relating to county fairs.
366 Redefine the term group home.
367 Change a provision for employer's failure to obtain workers' compensation.
374* Provide for involuntary commitments of persons with mental disorders.
422* Authorize counties to establish community service programs.
507* Require supervision of apprentice electricians.
549 Change provisions relating to the substitution of securities.
550 Provide limitations on issuance of deer permits to nonresidents.
551 Provide for certification of laboratories.
572* Change a restriction on the sale of pickle cards.
593* Change provisions for branches of building and loan associations.
595* Adopt the Chemically Impaired Professional Act.
659* Require a preplacement home study in certain adoption proceedings.
660* Change provisions relating to bingo and pickle cards.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
689* Change provisions for contracts for certain vending operations.
737* Exempt certain purchases of advertising from sales and use tax.
769* Change provisions relating to abortion.
796* Appropriate funds for transit centers and bus shelters.

JAMES D. MCFARLAND

LB	
52*	Change provisions relating to the Low-Level Radioactive Waste Act.
89*	Adopt the Help Education Lead to Prosperity Act.
134*	Establish the Junior Mathematics Prognosis Examination.
149*	Establish limitations on campaign contributions.
159*	Change provisions relating to contributory fault.
173	Change a provision for regulation of Lincoln's water rates.
174	Authorize contracts for nonteaching services.
175	Increase salaries of members of the Equal Opportunity Commission.
175A	Appropriation Bill.
176	Redefine disability under the Nebraska Fair Employment Practice Act.
177	Adopt the Protocol Act.
177A	Appropriation Bill.
178	Prohibit court reporters from soliciting business for own firm.
179	Prohibit court reports from private business during office hours.
180	Provide free tuition for persons over age 60.
181	Provide use of income tax refunds for the Silver-Haired Legislature.
183*	Provide students an option of attending another school district.
189*	Change appointment procedures for Legislature's Retirement System.
198*	Exempt purchases by State Board of Agriculture from sales tax.
224*	Adopt the Athlete Agents Registration Act.
224A	Appropriation Bill.
225	Authorize the attachment of certain property to a Class IV school.
226	Establish the Unicameral Scholars Academy.
226A	Appropriation Bill.
227	Change provisions relating to the revocation of drivers' licenses.
227A	Appropriation Bill.
228	Authorize school districts to create a contingency fund to cover losses.
228A	Appropriation Bill.
313	Increase maximum weekly income benefits under workers' compensation.

314* Provide election on location of low-level radioactive waste facility.
356* Provide a procedure for payment of certain claims of depositors.
400 Change provisions relating to name changes during divorce actions.
401 Modify name change provision during divorce and annulment actions.
402 Authorize voter registration at certain offices.
432* Require annual reports on Employment and Investment Growth Act.
437 Limit the receipt of incentives, refunds, or tax credits.
437A Appropriation Bill.
460* Provide public funds for certain political campaigns.
493* Authorize Department of Correctional Services to operate juvenile facility.
558 Change provisions relating to alimony.
559* Require insurance coverage for low dose mammography.
560* Require infertility coverage in certain health insurance policies.
563* Change a tax credit provision under the Employment Expansion Act.
618* Provide funds for staff development of educational service units.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
769* Change provisions relating to abortion.
779 Change calculations relating to state income tax.
782 Require infertility coverage in certain health insurance policies.
783 Change provisions for calculating taxable income.
784 Change the income tax rates.
785 Change income tax rates and provisions for calculating tax.
786 Provide for determining income tax on federal taxable income.
787 Change provisions for calculating state income tax.

SCOTT MOORE

LB

63* Provide for taxation of food and establish a food sales tax credit.
84*** Adopt the Property Tax Relief Act.

101*	Change provisions for all-terrain vehicles.
102*	Limit minors access to certain harmful materials.
103	Repeal the sales tax exemption on food and establish a credit.
104	Require school district information on state income tax forms.
105	Require insurance payments for chiropractic services.
106	Change provisions relating to special assessments on land.
117*	Adopt the Leafy Spurge Control Act.
182*	Change provisions relating to juveniles.
189*	Change appointment procedures for Legislature's Retirement System.
263	Provide an exemption for engineers engaged in land surveying.
268*	Appropriate funds for medical education residency program.
312*	Change termination date of the School Financing Review Commission.
361*	Change provisions for agricultural and horticultural land.
419*	Change provisions for the hours a railroad employee may work.
435*	Modify provisions of the Political Accountability and Disclosure Act.
461	Change provision relating to maximum time-price differential.
472*	Adopt the First Responders Emergency Rescue Act.
490*	Make defrauding a supplier a criminal offense.
491	Change provisions relating to licensing of optometrists.
531	Change provisions relating to the Coordinating Commission for Postsecondary Education.
532*	Establish a tax credit for vocational and technical students.
533	Change condemnation provisions for telephone companies.
592*	Provide additional penalties for controlled substance possession.
603*	Provide standing for the Foster Care Review Board.
611*	Adopt the Public Education Income Tax Act.
611A	Appropriation Bill.
612	Provide an educational accountability program.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.

690* Change requirements for wearing helmets by motorcyclists.
694 Provide for regional high school systems.
734 Change provisions for payment of education and transportation costs.
735 Adopt the Nebraska Postsecondary Student Computer Availability Act.
742* Change eyesight requirements for drivers licenses.
774* Provide for placing sales tax proceeds in property tax relief funds.
809*** Adopt the Property Tax Relief Trust Fund Act.

LR

2CA* Constitutional amendment to authorize separate taxation of agricultural land.

SPENCER W. MORRISSEY

LB

162* Provide funding for the state's animal damage program.
268* Appropriate funds for medical education residency program.
325* Adopt the Degradable Products Act.
335* Change provisions relating to tax credits.
356* Provide a procedure for payment of certain claims of depositors.
438* Require funding for School of the Deaf and School for the Visually Impaired.
493* Authorize Department of Correctional Services to operate juvenile facility.
517* Require the compilation of a master voter registration list.
523* Exempt agricultural equipment sold outside Nebraska from sales tax.
569* Provide for certification of emergency medical technicians.
580* Create the Office of Fire Programs and the Fire Programs Commission.
587* Change provisions of the Ethanol Authority and Development Act.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
693* Provide for voter registration on election day.
763 Change provisions of the Low-Level Radioactive Waste Disposal Act.

ARLENE NELSON

LB	
48*	Prohibit promotional distribution of smokeless tobacco products.
62	Change the state bird to the sandhill crane.
134*	Establish the Junior Mathematics Prognosis Examination.
159*	Change provisions relating to contributory fault.
199	Add a repayment condition under Nebraska Soil and Water Conservation Act.
268*	Appropriate funds for medical education residency program.
275*	Create a property tax relief fund.
325*	Adopt the Degradable Products Act.
357*	Provide financial incentives for nursing students.
357A	Appropriation Bill.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
447A	Appropriation Bill.
493*	Authorize Department of Correctional Services to operate juvenile facility.
646*	Provide for medical staff privileges for podiatrists.
656	Establish provisions for membership camping contracts.
674*	Change provisions relating to the sale of obscene materials to minors.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
736*	Authorize interstate simulcasting.
738*	Change provisions relating to teacher's certificate requirements.
809***	Adopt the Property Tax Relief Trust Fund Act.

RICHARD PETERSON

LB	
111*	Authorize the service of papers by private individuals.
123	Provide for insurance on certain airport property.
124	Authorize county assessors to enter land or buildings without consent.
131	Change the definition of apportionable vehicle.
223*	Require separate vote on veto overrides.
249*	Adopt the Tax Delinquency Amnesty Act.
325*	Adopt the Degradable Products Act.
347*	Change provisions for proof of ownership relating to motor vehicles.

374* Provide for involuntary commitments of persons with mental disorders.
395* Change provisions for tax levy by technical community colleges.
472* Adopt the First Responders Emergency Rescue Act.
603* Provide standing for the Foster Care Review Board.
674* Change provisions relating to the sale of obscene materials to minors.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
690* Change requirements for wearing helmets by motorcyclists.
711* Change a provision relating to transactions exempt from registration.
751 Provide for continuing education for electricians.
769* Change provisions relating to abortion.
809*** Adopt the Property Tax Relief Trust Fund Act.

LR

11CA* Authorize cities to use local revenue for economic development.
12CA* Allow cities to make loans for economic development projects.

CAROL MCBRIDE PIRSCH

LB

70* Require posting of alcohol risk warning signs for pregnant women.
85 Authorize discovery by a prosecuting attorney.
86 Change provisions relating to theft.
87 Change provisions for consultations regarding plea bargains.
109 Change provisions regarding facilities for serving sentences of one year.
110 Provide for tenant's attendance during damage inspections.
111* Authorize the service of papers by private individuals.
125* Authorize eminent domain by metropolitan utility districts.
154 Change a provision for sale of wine only off premises.
155* Provide restrictions on sunscreens in motor vehicle windows.
156* Provide for license plates for purple heart recipients.

218*	Provide warrantless arrests for offenses involving household members.
219	Create the offense of criminal child enticement.
220	Authorize the use of electronic surveillance devices.
325*	Adopt the Degradable Products Act.
330*	Change provisions relating to domestic abuse.
341	Change a bond provision for construction of public buildings.
365*	Change provisions relating to county fairs.
372*	Prohibit acts relating to use of financial transaction devices and forms.
399	Authorize the use of house arrest for certain crimes.
441*	Provide for the regulation of near beer.
443*	Change provisions for corroboration of testimony in sexual assault cases.
481	Change an adjustment to income for regulated investment companies.
482	Change merger and consolidation provisions for corporations.
576*	Establish provisions for master plans for road construction.
594*	Change provisions for liability of persons in nonprofit sports.
618*	Provide funds for staff development of educational service units.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
665*	Provide for the establishment of pilot crisis intervention programs.
674*	Change provisions relating to the sale of obscene materials to minors.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
712	Provide immunity for political subdivisions and their employees.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

JENNIE ROBAK

LB	
261*	Change provisions for location of Workers' Compensation Court hearings.
275*	Create a property tax relief fund.
416	Change provisions for flashing lights on emergency vehicles.
417	Provide for license plates on vehicles owned by disabled persons.
443*	Change provisions for corroboration of testimony in sexual assault cases.
472*	Adopt the First Responders Emergency Rescue Act.
497*	Exempt railroad rolling stock from property tax.
498	Restrict the annexation of sanitary and improvement districts.
499	Authorize Class VI schools to use special funds for school buildings.
500	Require collection agencies to attempt to settle disputes.
570*	Change sales tax provisions for contractors, fixtures, and retail sales.
587*	Change provisions of the Ethanol Authority and Development Act.
628*	Change provision relating to notice of public meetings.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
690*	Change requirements for wearing helmets by motorcyclists.
714*	Change the definition of retailer, contractor, or repairperson.
736*	Authorize interstate simulcasting.
742*	Change eyesight requirements for drivers licenses.
747*	Provide a homestead exemption on actual value.
769*	Change provisions relating to abortion.
805*	Change provisions for collection of child support.

CARSON H. ROGERS

LB	
84***	Adopt the Property Tax Relief Act.
127*	Change provisions for hunting during deer season.
135*	Change salary provision for county hospital boards.
150*	Change provisions for handicapped parking permits.
155*	Provide restrictions on sunscreens in motor vehicle windows.

162*	Provide funding for the state's animal damage program.
189*	Change appointment procedures for Legislature's Retirement System.
223*	Require separate vote on veto overrides.
273	Change a requirement for ambulance personnel.
277*	Authorize Tax Commissioner to withhold income tax on annuity payments.
335*	Change provisions relating to tax credits.
346*	Provide a deduction from income for certain educational expenses.
347*	Change provisions for proof of ownership relating to motor vehicles.
557*	Exempt food from vending machines from sales tax.
569*	Provide for certification of emergency medical technicians.
569A	Appropriation Bill.
574*	Provide for a pseudorabies eradication plan.
574A	Appropriation Bill.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

STAN SCHELLPEPER

LB	
48*	Prohibit promotional distribution of smokeless tobacco products.
52*	Change provisions relating to the Low-Level Radioactive Waste Act.
113	Add an investment option for public power district funds.
114*	Change a provision restricting the operation of all-terrain vehicles.
115	Change the fee for replacing motor vehicle certificate of title.
161*	Change provisions relating to economic poisons.
162*	Provide funding for the state's animal damage program.
163*	Change provisions relating to waste reduction and recycling.
182*	Change provisions relating to juveniles.
198*	Exempt purchases by State Board of Agriculture from sales tax.
209*	Exclude certain telecommunication revenue from gross receipts.
268*	Appropriate funds for medical education residency program.

314* Provide election on location of low-level radioactive waste facility.
325* Adopt the Degradable Products Act.
357* Provide financial incentives for nursing students.
361* Change provisions for agricultural and horticultural land.
378* Create the Office of Rural Health.
378A Appropriation Bill.
394* Provide for motor vehicle safety inspections.
395* Change provisions for tax levy by technical community colleges.
422* Authorize counties to establish community service programs.
429* Change provisions of the Health Care Certificate of Need Act.
447* Adopt the Secondary Vocational Education Program Improvement Act.
472* Adopt the First Responders Emergency Rescue Act.
520* Adopt the Nursing Incentive Act.
520A Appropriation Bill.
521* Require technical community colleges to conduct health care surveys.
522 Create the Property Tax Relief Fund and increase sales tax.
559* Require insurance coverage for low dose mammography.
591* Provide for interstate simulcasting.
603* Provide standing for the Foster Care Review Board.
613 Require Director of Insurance to establish a group insurance pool.
614 Change staffing requirements at health care facilities.
618* Provide funds for staff development of educational service units.
646* Provide for medical staff privileges for podiatrists.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
743* Appropriate funds for the Nebraska Community Aging Services Act.
769* Change provisions relating to abortion.

LR

11CA* Authorize cities to use local revenue for economic development.
12CA* Allow cities to make loans for economic development projects.

DIANNA R. SCHIMEK

LB	
46*	Change buy-back retirement provisions for county school officials.
136	Provide access to certain computerized Register of Deeds records.
149*	Establish limitations on campaign contributions.
194*	Allow for additional uses of funds in business improvement districts.
215	Transfer explosives regulation from State Fire Marshal to State Patrol.
311*	Change provisions for wastewater treatment facilities.
315*	Change weekly benefit provisions under the Employment Security Act.
316*	Change weekly benefit amounts under the Employment Security Act.
325*	Adopt the Degradable Products Act.
356*	Provide a procedure for payment of certain claims of depositors.
394*	Provide for motor vehicle safety inspections.
408*	Adopt the Youth Leadership Academy Act and the Nebraska Student Exchange Act.
428*	Establish the Nebraska Central Facility for Microscopy and Microanalysis.
434*	Change provisions for automatic dialing announcing devices.
460*	Provide public funds for certain political campaigns.
514*	Establish a comprehensive health education system in public schools.
514A*	Appropriation Bill.
517*	Require the compilation of a master voter registration list.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
738*	Change provisions relating to teacher's certificate requirements.
770*	Appropriate funds for academic computing and library automation.
776*	Change provisions relating to service contracts.

LORAN SCHMIT

LB	
40*	Modify provisions of judges retirement plan.
41*	Provide for adjustments of judges retirement allowance.
42*	Change provisions relating to Supreme Court salaries.

167 Increase the penalty provision for park entry permits.
168 Eliminate a provision authorizing the shooting of certain animals.
169 Change provisions relating to lights on boats.
170 Change fee for commercial seining vendor permits.
171 Prohibit hunting of game from boats.
172 Increase certain game and fish license fees.
184 Change provision relating to the sale of game birds or animals.
185 Change the maximum amount of Game and Parks Commission cash fund.
188* Require the sale of educational land.
209* Exclude certain telecommunication revenue from gross receipts.
260* Provide for a tax on marijuana and controlled substances.
268* Appropriate funds for medical education residency program.
270* Change provisions for filing of protests to Natural Resources projects.
289A Appropriation Bill.
300 Change the qualifications of the State Director of Health.
317 Increase amount in the Veterans' Aid Fund.
339 Provide for a bow hunter education program.
346* Provide a deduction from income for certain educational expenses.
356* Provide a procedure for payment of certain claims of depositors.
457 Provide for branch banks.
497* Exempt railroad rolling stock from property tax.
570* Change sales tax provisions for contractors, fixtures, and retail sales.
587* Change provisions of the Ethanol Authority and Development Act.
591* Provide for interstate simulcasting.
591A Appropriation Bill.
603* Provide standing for the Foster Care Review Board.
615 Provide a lien for services provided by cattle buyers.
616 Require the installation of main electrical disconnects.
617 Provide for coordinated operation of electric power facilities.
628* Change provision relating to notice of public meetings.

629 Exempt interest and dividends from certain state and municipal obligations.
641 Change provisions relating to horse racing.
675 Appropriate funds for a State Patrol helicopter.
676 Change provisions to limit the liability of persons for damages.
677 Appropriate funds for overtime compensation for drug investigators.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
687* Adopt the Agricultural Products Development Act.
696 Change provisions for establishing rates by public power districts.
697 Change an exemption relating to certain utility services.
716* Create the Water Impoundment Construction Trust Fund.
717 Eliminate requirement of social security number on deed statements.
742* Change eyesight requirements for drivers licenses.
743* Appropriate funds for the Nebraska Community Aging Services Act.
769* Change provisions relating to abortion.
774* Provide for placing sales tax proceeds in property tax relief funds.
797 Appropriate funds to the Highway Trust Fund.
801 Require Tax Commissioner to develop uniform property tax system.
802 Provide to include chiropractors as physicians under rules of evidence.
804 Change provisions for valuing agricultural and horticultural land.
805* Change provisions for collection of child support.
807 Provide for sale of educational lands and property tax relief.
808 Authorize the sale of seized firearms.

LR

15CA Constitutional amendment for taxation of agricultural and horticultural land.

SANDRA K. SCOFIELD

LB

52* Change provisions relating to the Low-Level Radioactive Waste Act.
117* Adopt the Leafy Spurge Control Act.
134* Establish the Junior Mathematics Prognosis Examination.

153* Change provision to allow liquor consumption at tourist attractions.
161* Change provisions relating to economic poisons.
163* Change provisions relating to waste reduction and recycling.
182* Change provisions relating to juveniles.
216 Extend jurisdiction of first class cities to prevent pollution.
217 Authorize use of letters of credit and cash deposits in lieu of bonds.
247* Create the Colleges for the Future Commission.
268* Appropriate funds for medical education residency program.
325* Adopt the Degradable Products Act.
398 Change a provision for approval of travel claims at state colleges.
419* Change provisions for the hours a railroad employee may work.
508 Adopt the State-Tribal Cooperative Agreements Act.
509 Change membership provisions of the Branch Rail Revitalization Council.
510 Provide for community action services.
511 Change the sources of funds for mental health governing boards.
518* Appropriate funds for a potato development specialist.
525* Provide for development of the Trailside Museum Complex.
526* Change liability provisions for landowners who charge admission.
548* Exempt bed and breakfast establishments from Nebraska Pure Food Act regulations.
555* Provide for attorney consultation for persons in custody.
650 Change provisions for access to abused or neglected persons records.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
664* Rename the Department of Public Institutions.
665* Provide for the establishment of pilot crisis intervention programs.
666* Adopt the Prevention Services Act for Children and Family Mental Health.
672* Create the Rural Development Innovations Grant Program.

683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
710* Appropriate funds for an analysis of water management alternatives.
711* Change a provision relating to transactions exempt from registration.
715* Change provisions for the transfer of ground water in Nebraska.
760* Change the names of the four state colleges.
770* Appropriate funds for academic computing and library automation.

LR

11CA* Authorize cities to use local revenue for economic development.
12CA* Allow cities to make loans for economic development projects.

JACKLYN SMITH

LB

58* Change fee for amateur radio station license plates.
63* Provide for taxation of food and establish a food sales tax credit.
64 Adopt the Child Health Insurance Reform Act.
65 Require hunters to wear hunter orange material.
66 Change provisions relating to timely filing of documents.
67 Provide a wavier of the filing deadline for homestead exemption.
68 Provide designated administrator of maternal and health care programs.
69 Provide funding for driver education programs.
70* Require posting of alcohol risk warning signs for pregnant women.
71 Provide a lien for motor vehicle fuels.
72 Change provisions relating to motorcycle operators' licenses.
73 Adopt the Vaccine Injury Act.
112* Change the fee for license plates with amateur radio call letters.
121* Create the Environmental Response Cooperation Fund.
211* Increase the statute of limitations for sexual assault of a child.
268* Appropriate funds for medical education residency program.
275* Create a property tax relief fund.

290 Require training in foster care.
290A Appropriation Bill.
325* Adopt the Degradable Products Act.
357* Provide financial incentives for nursing students.
360* Increase the amount permitted to be set aside for burial expenses.
421* Change provisions for annexation of land by first class cities.
434* Change provisions for automatic dialing announcing devices.
521* Require technical community colleges to conduct health care surveys.
576* Establish provisions for master plans for road construction.
594* Change provisions for liability of persons in nonprofit sports.
610 Create the Long-Term Care Ombudsman in the Department on Aging.
646* Provide for medical staff privileges for podiatrists.
662* Adopt the Family Services Incentive Act for Communities.
663* Adopt the Juvenile Services Act.
664* Rename the Department of Public Institutions.
665* Provide for the establishment of pilot crisis intervention programs.
666* Adopt the Prevention Services Act for Children and Family Mental Health.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
714* Change the definition of retailer, contractor, or repairperson.
742* Change eyesight requirements for drivers licenses.
743* Appropriate funds for the Nebraska Community Aging Services Act.
767* Change provisions of the Nebraska County and City Lottery Act.
767A Appropriation Bill.
771* Provide insurance premium reduction for certain owners.
809*** Adopt the Property Tax Relief Trust Fund Act.
815A Appropriation Bill.

LR

11CA* Authorize cities to use local revenue for economic development.

12CA* Allow cities to make loans for economic development projects.

JEROME WARNER

LB	
74	Change provision for transferring land between school districts.
75	Change penalty for registering motor vehicles in incorrect county.
76	Provide entities created by local public agencies are not state agencies.
77	Provide for indemnification of certain costs by state risk manager.
78	Change powers of Public Service Commission.
137A	Appropriation Bill.
160*	Establish the University of Nebraska at Kearney.
298*	Increase the rate for publication of legal notices.
356*	Provide a procedure for payment of certain claims of depositors.
361*	Change provisions for agricultural and horticultural land.
442	Authorize for the creation of officeholder expense funds.
598	Adopt the Alternative Investment Act.
599	Increase the sales and use tax on motor vehicles.
602*	Change provisions relating to allocation of Highway Trust Fund.
624*	Adopt the Uniform Unclaimed Property Act.
691*	Adopt the Unmarked Human Burial and Skeletal Remains Protection Act.
728	Change provisions relating to interest.
729	Require submission of tax expenditure reports and summaries.
730	Change compensation for public power and irrigation district directors.
731	Provide homestead exemption for persons with pulmonary disease.
761A	Appropriation Bill.
809***	Adopt the Property Tax Relief Trust Fund Act.
816A	Appropriation Bill.

ROGER R. WEHRBEIN

LB	
50*	Change provisions for the protection of animals.
132	Authorize Director of Water Resources to charge for computer data.

133 Change the time period of exempt status for cemetery property.
234 Change provisions to increase amount paid to jurors.
235 Change a provision relating to income tax adjustments.
236 Change a provision relating to the description of lands for tax sales.
269 Change provisions relating to the Nebraska Clean Indoor Air Act.
291 Require blanket bonding for county officers and employees.
327 Change provisions relating to city council elections.
328 Provide for revocation of beneficiary designation.
333* Authorize acquisition of detached auxiliary offices by a bank.
361* Change provisions for agricultural and horticultural land.
438* Require funding for School of the Deaf and School for the Visually Impaired.
438A* Appropriation Bill.
463 Change provisions relating to snowmobiles.
535 Change provisions for taxation of interest and dividends.
536 Appropriate funds for the Nebraska Council on Economic Education.
537 Permit local hospital districts to operate housing facilities.
574* Provide for a pseudorabies eradication plan.
587* Change provisions of the Ethanol Authority and Development Act.
624* Adopt the Uniform Unclaimed Property Act.
769* Change provisions relating to abortion.
770* Appropriate funds for academic computing and library automation.
798 Require Department of Health to authorize practical training for students.
809*** Adopt the Property Tax Relief Trust Fund Act.
817*** Establish certain parts of boundary between Nebraska and South Dakota.

LR

2CA* Constitutional amendment to authorize separate taxation of agricultural land.

JOHN L. WEIHING

LB

53 Change provisions relating to plumbing inspection.

54	Change disclosure provisions under the Nebraska Pure Food Act.
54A	Appropriation Bill.
55*	Exempt certain officials from financial disclosure requirements.
83*	Adopt the Noxious Weed Control Act.
152*	Change provisions for special permits for overweight vehicles.
153*	Change provision to allow liquor consumption at tourist attractions.
161*	Change provisions relating to economic poisons.
221*	Change permissible investments for cities and villages.
247*	Create the Colleges for the Future Commission.
311*	Change provisions for wastewater treatment facilities.
326*	Authorize self insurance for certain risks and purchase of services.
387*	Prohibit the operation of motorized vessels on game refuges.
394*	Provide for motor vehicle safety inspections.
505	Change provisions of the Uniform Federal Lien Registration Act.
505A	Appropriation Bill.
518*	Appropriate funds for a potato development specialist.
521*	Require technical community colleges to conduct health care surveys.
525*	Provide for development of the Trailside Museum Complex.
587*	Change provisions of the Ethanol Authority and Development Act.
683*	Adopt the Municipal Infrastructure Redevelopment Fund Act.
691*	Adopt the Unmarked Human Burial and Skeletal Remains Protection Act.
692	Change provisions for refunding bonds issued by public entities.
756	Change provisions for combining of duties in offices and employments.
758	Change provisions relating to deposit of securities in lieu of bonds.
809***	Adopt the Property Tax Relief Trust Fund Act.

DON WESELY

LB	
150*	Change provisions for handicapped parking permits.

163* Change provisions relating to waste reduction and recycling.
208 Establish provisions for regulation of dangerous dogs.
231A Appropriation Bill.
338A Appropriation Bill.
343A Appropriation Bill.
353 Authorize the interchange of certain controlled substances.
354 Change provisions for eligibility for medical assistance benefits.
354A Appropriation Bill.
355 Change provisions for medical assistants.
355A Appropriation Bill.
356* Provide a procedure for payment of certain claims of depositors.
358 Authorize venture capital investments by state investment officer.
359 Require Nebraska Investment Council approval to retain services.
360* Increase the amount permitted to be set aside for burial expenses.
360A Appropriation Bill.
362* Change provisions for benefits available to former Aid to Dependent Children (ADC) recipients.
362A Appropriation Bill.
363 Adopt the Rehabilitation and Support Mental Health Services Act.
375* Change the administrative fee for the city sales tax.
380 Change coverage provisions under the Comprehensive Health Insurance Pool.
403 Provide an income tax rebate.
404 Decrease the state sales tax rate.
405 Change provisions relating to the computation of state income tax.
406 Change provisions for computing income tax rates and tax credits.
428* Establish the Nebraska Central Facility for Microscopy and Microanalysis.
430 Provide for long-term appropriations for economic development activities.
431 Adopt the Nebraska Connection Network Act.
431A Appropriation Bill.

432*	Require annual reports on Employment and Investment Growth Act.
433*	Limit the adjustment to income for capital gains.
439	Modify the Nebraska Health Care Certificate of Need Act.
443*	Change provisions for corroboration of testimony in sexual assault cases.
449*	Require additional reporting on Aid to Dependent Children (ADC) benefit recipients.
449A	Appropriation Bill.
460*	Provide public funds for certain political campaigns.
489	Provide additional practical exam for dentists and oral hygienists.
516*	Change eligibility requirements for handicapped parking permits.
561	Redefine abuse or neglect to include leaving a child unattended.
562	Authorize bonds for the abatement of environmental hazards by schools.
567*	Establish the Early Childhood Training Support Center.
577	Adopt the Venture Capital Company Act.
595*	Adopt the Chemically Impaired Professional Act.
644	Change the definition of lobbying.
645	Authorize continued renovation of Morrill Hall.
647	Provide for linked deposits under the Nebraska Capital Expansion Act.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
665*	Provide for the establishment of pilot crisis intervention programs.
678	Change provisions for early childhood programs.
678A	Appropriation Bill.
679	Adopt the Family Medical Leave Act.
680*	Create the Child Care Grant Fund.
689*	Change provisions for contracts for certain vending operations.
706*	Provide for loans to school for abatement of environmental hazards.
711*	Change a provision relating to transactions exempt from registration.
720	Require Director of Social Services to maintain caseload standards.

720A Appropriation Bill.
721 Establish a child protection division in the Attorney General's office.
722 Change provisions for furnishing records to Commission on Law Enforcement.
723 Change provisions for prescriptions provided to indigent persons.
746 Change provisions of the Bank Holding Company Act.

LR

14CA Proposed constitutional amendment to modify Initiative 300.

RON WITHEM

LB

134* Establish the Junior Mathematics Prognosis Examination.
151* Change provisions relating to the Nebraska Historical Society.
163* Change provisions relating to waste reduction and recycling.
183* Provide students an option of attending another school district.
189* Change appointment procedures for Legislature's Retirement System.
190 Establish limits on votes by Class III school for committee members.
191 Require political subdivisions to maintain file on lobbyists.
192 Provide for establishment of a parental involvement plan.
193* Exempt purchases by sanitary improvement districts from sales tax.
244 Authorize a penalty for failure to have a license under city codes.
245 Change membership provisions for the State Highway Commission.
246 Authorize voter registration when registering a motor vehicle.
247* Create the Colleges for the Future Commission.
247A Appropriation Bill.
248* Authorize the suspension of driving privileges for certain juveniles.
250* Require competency training for teachers in human relations.

253* Change a provision relating to nonpartisan primary elections.
259 Provide a method for Class I schools to affiliate with other districts.
259A Appropriation Bill.
275* Create a property tax relief fund.
277* Authorize Tax Commissioner to withhold income tax on annuity payments.
277A Appropriation Bill.
312* Change termination date of the School Financing Review Commission.
312A Appropriation Bill.
362* Change provisions for benefits available to former Aid to Dependent Children (ADC) recipients.
373 Establish height requirements for motor vehicles.
382 Authorize payment of petition circulators.
419* Change provisions for the hours a railroad employee may work.
487A Appropriation Bill.
488A Appropriation Bill.
513 Establish the License Review Board.
524 Change provisions relating to initiative and referendum petitions.
534* Change provisions of the Political Accountability and Disclosure Act.
567* Establish the Early Childhood Training Support Center.
567A Appropriation Bill.
590* Create the Professional Staff Recruitment, Retention, and Development Program.
601 Require campaign committee for candidates campaigning as a team.
638* Change the order of candidate names appearing on ballots.
660* Change provisions relating to bingo and pickle cards.
670 Limit the annexation power of cities of the first class.
671 Require certain cities to establish paid fire departments.
680* Create the Child Care Grant Fund.
683* Adopt the Municipal Infrastructure Redevelopment Fund Act.
711* Change a provision relating to transactions exempt from registration.
719* Provide funding for a 911 emergency telephone communication system.

724	Change provision for construction of terms home for aged or infirmed.
725	Change provisions for destruction of motor vehicle certificates of title.
726	Change provisions of the Emergency Medical Technician Act.
742*	Change eyesight requirements for drivers licenses.
744	Create the Nebraska Education Data Center.
747*	Provide a homestead exemption on actual value.
800	Provide restrictions on annexation by first class cities.

*	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	
468	Eliminate provisions relating to student aid funds.
469	Create an accounting division cash fund in Department of Administrative Services.
470	Change provisions for filing budget statements by political subdivisions.
727	Authorize appropriations from the Severance Tax Fund.
812	Authorize deficiency appropriations.
813	Appropriate funds for state operations and state aid.
814	Appropriate funds for capital construction.
815	Create a cash fund for the Nebraska Political Accountability and Disclosure Commission.
816	Change registration and inspection fees for underground storage tanks.

BANKING, COMMERCE AND INSURANCE

LB	
318	Change insurance coverage provisions following death of an employee.
319	Adopt the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act.
320	Adopt the Prepaid Limited Health Service Organization Act.
321	Provide borrowing limitations for bank directors.
322	Change eligibility requirement for bank directors.

BUSINESS AND LABOR

LB	
410	Change provisions for modification of workers' compensation agreements.
411	Change provision for Commission of Industrial Relations to issue orders.
412	Change provisions relating to the minimum wage rate.
413	Change provisions relating to disqualification for benefits.
414	Provide penalty for employers failing to file reports and schedules.
630	Change provisions relating to the Nebraska Elevator Code.

810 Disapprove certain claims against the state.
811 Appropriate funds for the payment of certain claims against the state.

EDUCATION

LB

336 Provide for forums and a program on school restructuring.
337 Provide for a standardized achievement test.
486 Change provisions for transferring territory between school districts.
487 Change provisions relating to schools.
488 Change provisions of the Private Vocational Educational Authorization Act.

EXECUTIVE BOARD

LB

1 Revisor bill relating to liquors.
2 Revisor bill relating to probation.
3 Revisor bill relating to interest.
4 Revisor bill relating to fees and salaries.
5 Revisor bill relating to county government and officers.
6 Revisor bill relating to insurance.
7 Revisor bill relating to retirement.
8 Revisor bill relating to labor.
9 Revisor bill relating to the Public Service Commission.
10 Revisor bill relating to the Department of Economic Development.
11 Revisor bill relating to fees and salaries.
12 Revisor bill relating to homesteads.
13 Revisor bill relating to revenue and taxation.
14 Revisor bill relating to revenue and taxation.
15 Revisor bill relating to schools.
16 Revisor bill relating to the Secretary of State.
17 Revisor bill relating to food donations.
18 Revisor bill relating to preservation of history and records.
19 Revisor bill relating to statewide open burning ban.
20 Revisor bill relating to the Commodity Code.
21 Revisor bill relating to rules of the road.
22 Revisor bill relating to children.
23 Revisor bill relating to husband and wife.
24 Revisor bill relating to the register of deeds.
25 Revisor bill relating to motor vehicles.

26 Revisor bill relating to drainage district appeals.
27 Revisor bill relating to the Department of Administrative Services.
28 Revisor bill relating to the Nebraska brand inspection area.
29 Revisor bill relating to labor.
30 Revisor bill relating to elections.
31 Revisor bill relating to drainage.
32 Revisor bill relating to jails.
33 Revisor bill relating to public depositories.
34 Revisor bill relating to game and parks.

GENERAL AFFAIRS

LB

765 Authorize licensed operators to act as pickle card operators.
766 Change provisions relating to bingo.
777 Change provisions relating to the shipment of alcoholic liquor.
778 Change provisions for special designated permits for alcoholic liquors.
780 Change provisions of the Nebraska Liquor Control Act.
781* Change the powers of the Nebraska Liquor Control Commission.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB

254 Adopt the Relocation Assistance Act.
255 Change provisions for preparation and payment of payrolls by Department of Administrative Services.
256 Change provisions relating to the annual inventory of state property.
258 Create the Revenue Distribution Fund and eliminate the Tax Refund Fund.
544 Change provisions of the Nebraska State Insurance Program.
545 Authorize the Department of Administrative Services to sell certain real property.
546 Change provisions relating to refunds of money paid or owed to state.
639 Change divisions within the Department of Economic Development.
640 Change provisions relating to recall procedures.

HEALTH AND HUMAN SERVICES

LB	
338	Adopt the Community Public Health Services Act.
342	Change provisions for the practice of osteopathic medicine.
343	Change provisions relating to persons with mental retardation.
344	Change provisions relating to the Department of Health.
345	Grant law enforcement agencies access to suspected victims.
648	Change provisions relating to x-ray system operators.
732*	Change definitions under the Nebraska Mental Health Commitment Act.
733	Provide for an additional nursing home administrator license.

JUDICIARY

LB	
579	Change provisions relating to actions for wrongful death.
583	Create a Court of Appeals.
584	Provide for granting senior status to certain eligible judges.
585	Create the Nebraska Court of Appeals.
586*	Create the Appellate Division of the District Court.
LR	
8CA	Change provisions relating to the right of appeal.
9CA	Proposed constitutional amendment to create Nebraska Court of Appeals.
10CA*	Constitutional amendment to increase number of Supreme Court judges.

NATURAL RESOURCES

LB	
251	Authorize the creation of the Nebraska Natural Areas Register.
289*	Adopt the Petroleum Release Remedial Action Act.
364	Authorize Water Management Board to operate water development projects.
383	Change provisions for approval and renewal of water use permits.
384	Provide for approval of a conservation proposal.
385	Encourage voluntary transfers of water and water rights.
527	Adopt the Waste Tire Recycling Act.

619 Change inspection provisions relating to chemigation.
620 Change provisions for commercial hazardous waste management facility.
621 Provide civil and criminal penalties under the Environmental Protection Act.
622 Authorize collection of costs for noncompliance under pollutant restrictions.
623 Change provision relating to Wastewater Treatment Facilities Loan Fund.
625 Change provisions for the Department of Environmental Control.
755 Provide for delivery of data to the Conservation and Survey Division.
761* Change provisions relating to low-level radioactive waste.
764 Adopt the Nebraska Solid Waste Reduction and Management Act.
795 Change provision for location of low-level waste disposal facility.

REVENUE

LB
458 Provide adjustments to federal adjusted gross income.
459 Change provisions relating to calculation of taxable income.
762 Change provisions for the refund and credit of property taxes.

TRANSPORTATION

LB
280 Change provisions for motor vehicle dealerships.
281 Provide records of driving convictions received from other states.
282 Adopt federal regulations relating to motor carrier safety.
283 Provide for registration of certain vehicles by nonresident owners.
284 Change provisions for state identification cards.
285 Change provisions for drivers licenses.

URBAN AFFAIRS

LB
772 Provide a limitation on application of recovery limits.
773 Change a provision relating to acquisition of utility properties.

LR	
16CA	Allow cities to exempt business property from taxation.
17CA	Allow cities to purchase real estate for economic development purposes.
18CA	Provide for valuation of municipally owned natural gas facilities.

*	With others.
**	At the request of the Governor.
****	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Rod Johnson

35	39	117	365	574	615
36	49	120	381	582	718
37	54	161	548	589	LR14CA
38	83	162			

Appropriations

Chairperson - Jerome Warner

96	302	309	469	602	727
98	303	309A	470	645	735
118	303A	310	473	672	743
258	304	317	518	675	770
268	305	428	525	677	796
275	307	430	536	683	797
301	308	468	600	716	

Banking, Commerce and Insurance

Chairperson - David M. Landis

60	221	322	452	549	681
61	222	326	454	559	692
64	272	333	457	560	706
77	278	334	461	577	711
92	279	349	466	578	746
93	295	350	467	593	748
94	296	356	476	597	749
97	297	358	480	598	758
99	311	359	482	606	759
100	318	380	505	613	771
105	319	391	529	624	776
126	320	423	542	647	782
207	321	431	544	656	803
214					

Business and Labor

Chairperson - George Coordsen

175	313	410	415	605	679
176	315	411	419	630	698
238	316	412	453	636	810
261	367	413	541	652	811
288	407	414			

Education

Chairperson - Ron Withem

69	180	264	393	514	618
74	183	274	395	521	651
89	188	312	398	531	680
107	190	336	427	543	694
134	192	337	438	562	734
140	226	357	447	567	738
143	228	370	486	575	740
144	247	379	487	580	741
160	250	386	488	590	744
174	259	392	499	612	760

General Affairs

Chairperson - Jacklyn Smith

62	371	568	686	765	777
70	440	572	703	766	778
153	441	591	704	767	780
154	477	641	736	768	781
298	507	660	751		

Government, Military and Veterans Affairs

Chairperson - Dennis G. Baack

55	135	164	196	223	255
66	136	165	206	241	256
76	139	177	212	246	257
91	149	189	213	253	262
124	151	191	217	254	263

266	389	471	545	637	702
276	402	492	546	638	709
291	408	493	588	639	722
306	409	500	601	640	752
324	432	503	604	644	817
327	435	508	609	663	LR1
340	442	517	628	691	LR6CA
341	448	524	631	693	LR7CA
352	460	534	635	701	LR13CA
382					

Health and Human Services

Chairperson - Don Wesely

48	342	376	510	614	720
51	343	378	511	646	723
68	344	422	519	648	724
157	348	425	520	659	726
187	353	429	530	662	732
231	354	439	537	664	733
269	355	449	539	665	745
273	360	456	551	666	753
290	362	462	569	678	754
300	363	472	573	688	757
323	366	489	595	689	798
338	374	491	610		

Judiciary

Chairperson - Jerry Chizek

42	110	203	230	351	446
44	111	204	232	368	455
50	116	205	233	372	463
73	138	208	234	377	464
80	147	210	243	396	465
82	159	211	248	397	475
85	178	215	265	399	478
86	179	218	267	400	479
87	182	219	328	401	483
102	200	220	330	420	484
108	201	224	331	443	490
109	202	229	345	445	496

512	558	586	650	684	802
526	561	592	658	685	805
547	565	594	667	699	806
552	571	596	668	708	808
553	579	603	669	712	LR8CA
554	583	626	673	719	LR9CA
555	584	627	674	721	LR10CA
556	585	642	676	769	

Natural Resources

Chairperson - Loran Schmit

43	132	195	339	616	697
45	163	199	364	617	710
52	166	251	383	619	715
56	167	270	384	620	730
65	168	271	385	621	755
81	169	286	387	622	761
90	170	289	502	623	763
113	171	293	527	625	764
119	172	314	550	682	788
121	184	325	587	696	795
127	185				

Nebraska Retirement Systems

Chairperson - Rex Haberman

40	137	237	287	418	632
41	145	242	388	506	789
46	148	252			

Revenue

Chairperson - Timothy J. Hall

63	133	236	299	390	436
67	181	239	329	403	437
71	193	249	332	404	458
84	197	260	335	405	459
88	198	277	346	406	481
103	209	292	361	426	497
104	235	294	375	433	504

522	570	655	728	775	801
523	581	657	729	779	804
528	599	661	731	783	807
532	607	687	737	784	809
535	611	700	739	785	LR2CA
540	629	705	747	786	LR15CA
557	634	707	750	787	LR16CA
563	643	714	762	793	LR18CA
564	653	717	774	794	LR19CA
566	654				

Transportation

Chairperson - Howard Lamb

47	122	156	285	474	608
58	128	158	347	485	649
59	129	186	369	495	690
72	130	227	373	501	695
75	131	245	394	509	713
78	141	280	416	513	725
79	142	281	417	515	742
101	146	282	424	533	799
112	152	283	434	538	LR27
114	155	284	450	576	LR28
115					

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Chairperson - D. Paul Hartnett

53	150	244	498	756	792
57	173	421	516	772	800
95	194	444	633	773	LR11CA
106	216	451	670	790	LR12CA
123	225	494	671	791	LR17CA
125	240				

SUMMARY OF LEGISLATION

The following table shows the final disposition:

Length 90 days

Total Number of Bills Introduced 817
Total Number of "A" Bills Introduced 92
Total Number of Resolutions Introduced (including CAs): 228
Total Number of CA Resolutions Introduced 15
Total Number of CA Resolutions Passed 1
Total Number of Bills to Become Law 308

General File: Chronological Order: (187)

140A	607	339	720	742	270
338A	610	730	720A	466	764
161	426	527	491	244	543
807	260	544	724	315	746
180	260A	544A	726	424	749
201	332	577	616	799	222
204	729	545	562	617	41
159	632	545A	380	555	287
138	101	129	226	685	758
520	39	129A	226A	747	776
520A	768	452	542	747A	72
567	55	356	471	415	373
567A	534	450	492	537	501
359	601	346	778	662	212
369	451	346A	533	107	266
191	290	437	131	741	276
703	290A	437A	407	741A	503
37	363	329	638	259	503A
37A	659	329A	702	259A	693
120	723	686	510	LR8CA	422
350	76	704	648	50	343
350A	227	540	505	203	343A
597	227A	447	505A	455	468
598	713	447A	604	571	456
692	234	755	457	483	594
42	558	678	333	81	367
708	732	678A	141	163	409

139	552	719	348	602	514
164	554	769	642	470	514A
663	565	581	809	743	656
689	579	707	809A	462	641
465					

General File: Numerical Order: (187)

37	226A	363	503	581	708
37A	227	367	503A	594	713
39	227A	369	505	597	719
41	234	373	505A	598	720
42	244	380	510	601	720A
50	259	407	514	602	723
55	259A	409	514A	604	724
72	260	415	520	607	726
76	260A	422	520A	610	729
81	266	424	527	616	730
101	270	426	533	617	732
107	276	437	534	632	741
120	287	437A	537	638	741A
129	290	447	540	641	742
129A	290A	447A	542	642	743
131	315	450	543	648	746
138	329	451	544	656	747
139	329A	452	544A	659	747A
140A	332	455	545	662	749
141	333	456	545A	663	755
159	338A	457	552	678	758
161	339	462	554	678A	764
163	343	465	555	685	768
164	343A	466	558	686	769
180	346	468	562	689	776
191	346A	470	565	692	778
201	348	471	567	693	799
203	350	483	567A	702	807
204	350A	491	571	703	809
212	356	492	577	704	809A
222	359	501	579	707	LR8CA
226					

Select File: (19)

224	257	775	240	399	486
224A	140	431	87	143	488
628	397	431A	220	756	488A
232					

Final Reading: (7)

54	281	338	187	187A	272Ae
54A					

Approved by Governor: (297)

1	35	99	182	254e	312Ae
2	36	106	182A	255	318
3	38	113	183	256	319e
4	43	114e	183A	258e	320
5	45	115	184	261e	321
6	46e	116	185e	261Ae	322
8	47	123e	189	262	323
9	48	126e	190	263	324
10	51	127e	194e	265	325
11	53	132	195	267	326e
12	56	133	198	272e	327
13	57	134e	200	273	330
14	58	135	206	279e	334
15	60	137e	207	280	335
16	61	137Ae	208	283	335A
17	66e	142	209	284	340
18	70	145	211	284A	340Ae
19	74	154	213e	285	342e
20	75	155	214	285Ae	344e
21	77	156	214A	289e	349
22	78	157	215	289Ae	352e
23	79	158	221	295	353
24	80	158A	228	296	355e
25	82e	165	228A	298	355Ae
26	84e	166e	229	302e	361e
27	84Ae	167	230	303e	361Ae
28	89	168	231	303Ae	362
29	89A	169	231A	305	362A
30	92	171	233	309e	366
31	92A	172	237e	309Ae	371e
32	94	175	238	310e	372
33	95	175A	247e	311	377
34	97	176	251	312e	379

381	440	541	591Ae	653e	762
391	441e	546	592	653A	762A
392	443e	548	605	669	767e
395	444	556	606	681e	767A
398	458	566	608	683e	777
401	459	569e	619	683Ae	780
408	469e	569Ae	623	695	781e
408A	482	574e	627	706e	790
410	487e	574Ae	630	710	793e
412e	487A	575	637	714e	811e
412Ae	489	575A	639	722	812e
414	499e	582	640e	727	815
416	502	582A	643e	733e	815A
418	506e	586	646	739	816
421	508	586A	651e	739A	816A
423	509	587e	651Ae	761e	817
429	516e	591e			

Line-Item Veto: (6)

247Ae	301e	308e	525e	813e*	814e

Returned by Governor Without Approval: (29)

44	177	336e	360	438	603
44A	177A	354	360A	438A	603A
147	250A	354A	378	449	705e
162	277	357	378A	449A	744
162A	277A	357Ae	388	588	

Passed Notwithstanding Objections of Governor: (3)

49	49A	250

Became Law Without Governor's Signature: (2)

611	611A

Resolution CA delivered to Secretary of State: (1)
LR2CA

Indefinitely Postponed: (230)

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63	73	104	124	147A	170
64	85	105	125	148	173
67	88	108	128	149	174

178	316	460	553	654	761Ae
179	341	463	559	655	763
181	345	467	561	657	766
186	351	474	563	660	772
188	358	476	564	661	773
192	370	477	568	665	774
193	375	478	570	670	779
196	382	480	572	671	782
197	386	481	573	679	783
199	387	484	576	680	785
216	389	493	580	684	786
217	390	494	583	687	787
223	396	496	584	691	795
225	400	497	585	694	798
236	402	498	589	698	800
241	403	500	595	699	801
245	404	504	599	700	803
246	405	511	612	701	804
253	406	512	613	711	806
264	411	513	614	712	810
271	413	515	615	717	817A
274	417	521	621	721	LR1
278	419	522	622	728	LR6CA
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288	427	526	629	738	LR9CA
291	432	528	631	744A	LR10CA
292	433	531	633	745	LR12CA
293	434	532	634	751	LR14CA
294	436	535	635	752	LR15CA
297	439	538	644	754	LR16CA
300	442	539	649	759	LR17CA
306	448	547	652	760	LR18CA
314	453				

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112	365	609	697	748	765
235	368	676			

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98 304 430 600 677 796
118 307 473 645 716 797
268 317 518 672 735

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102 210 328 464 650 674
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111 219 420 479 667 805
202 243 445 490 668 808

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130 347 485

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4 33 49 66 101 216
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21 36 53 70 109 219
22 37 55 73 115 220
23 38 56 74 157 221
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2CA Constitutional amendment to authorize separate taxation of agricultural land.
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3 Express sympathy to Senator Robert Clark family.
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6CA Constitutional amendment to increase signature requirement for petitions.
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7CA Authorize adoption of home rule charter by certain counties.
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8CA Change provisions relating to the right of appeal.
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9CA Proposed constitutional amendment to create Nebraska Court of Appeals.
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10CA Constitutional amendment to increase number of Supreme Court judges.
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11CA Authorize cities to use local revenue for economic development.
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12CA Allow cities to make loans for economic development projects.
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13CA Modify signature requirements for initiative and referendum petitions.
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14CA Proposed constitutional amendment to modify Initiative 300.
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15CA Constitutional amendment for taxation of agricultural and horticultural land.
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16CA Allow cities to exempt business property from taxation.
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17CA Allow cities to purchase real estate for economic development purposes.

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19CA Constitutional amendment to establish the Property Tax Equalization Commission.
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27 Support removal of federal transportation trust funds from federal budget.
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29 Designate the Kearney State College Business Office Roland Welch Hall.
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30 Declare February 12-18 as Vocational Education Week.
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31 Congratulate the University of Nebraska on its 120th anniversary.
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32 Encourage Nebraskans to sign and carry Uniform Organ Donor Card.
(Wesely) 798, 844, 1005
33 Congratulate Elkhorn High School for Class B wrestling title.
(Beyer) 818, 862, 881
34 Congratulate Scottsbluff High School for Class A wrestling title.
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35 Declare Dannebrog, Nebraska the Danish Capital of Nebraska.
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36 Recognize Todd K. Hampton for acts of bravery.
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37 Congratulate Tekamah-Herman wrestling team for Class C state title.
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38 Congratulate Creighton University men's basketball team for conference title.
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41 Interim study of the Ethanol Authority and Development Board.
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42 Congratulate Nebraska Wesleyan University men for NCAA participation.
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43 Recognize New Horizons Project, staff, and participating citizens.
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44 Congratulate Lawrence High Schools girls for Class D-2 basketball title.
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45 Congratulate Blair High School girls for Class B basketball title.
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46 Congratulate Potter-Dix girls basketball team for Class D-1 title.

(Baack) 1007, 1021, 1035
47 Congratulate Emerson-Hubbard girls basketball team for Class C-2 title.
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48 Congratulate Gibbon girls basketball team for Class C-1 state title.
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53 Congratulate Millard South boys basketball team for Class A state title.
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55 Proclaim current and future Miss Nebraska as hostess of the state.
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56 Congratulate Perkins County High School boys basketball for C-2 title.
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(Wehrbein) 1179, 1217, 1227
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59 Congratulate Hampton High School boys basketball for Class D-2 title.
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60 Declare March 19-25 Agriculture Week in Nebraska and March 20 as Agriculture Day.

(R. Johnson) 1213, 1218, 1252
61 Congratulate the Wahoo High School boys for Class B basketball title.
(Schmit) 1229, 1252, 1281
62 Congratulate Sutton High School boys for Class C-1 football title.
(R. Johnson) 1231, 1252, 1281
63 Recognize Nebraska School for the Deaf for 120 years of service.
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64 Recognize the 30th anniversary of His Eminence Archbishop Iakovos.
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65 Interim study on the regulations of family day care homes in Nebraska.
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(Rogers) 1407, 1423, 1474
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(Pirsch) 1447, 1565, 1596, 1888, 1889
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(Ashford, Moore) 1476, 1540, 1564
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(Chambers) 1612, 1629, 1654
75 Encourage Nebraskans to learn their blood pressure and cholesterol levels.

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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

STATE OF NEBRASKA
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2-2505	R	10	9-212	A	766
2-2506	R	10	9-221	A	212
2-2601	A	161	9-226	A	766
2-2603	A	49	9-231	A	477
2-2604	A	161	9-231	A	660
2-2610	A	161	9-234	A	766
2-2613	A	161	9-239	A	660
2-2614	A	161	9-239	A	775
2-2616	A	161	9-242	A	766
to 2-2620			9-253	A	766
2-2621	R	161	9-254	A	766
2-2701.01	A	381	9-306.01	A	570

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9-326	A	477	14-1103	A	125
9-328	A	765	14-1103.02	A	125
9-329.03	A	660	14-1237	A	33
9-329.04	A	765	14-1719	A	33
9-340	A	572	15-223	A	173
9-340.02	A	660	15-263	A	420
9-340.02	A	765	15-845	A	33
9-344	A	660	15-846	A	33
9-345.01	A	765	15-847	A	33
9-345.03	A	765	15-847	A	749
9-601	A	767	15-848	A	33
9-602	A	568	15-849	A	33
9-603	A	767	15-902	A	225
9-605	A	568	16-117	A	421
9-605	A	767	16-117	A	670
9-607	A	767	16-118	R	421
9-608	A	568	16-120	A	421
9-608	A	767	16-120	A	800
9-610	A	568	16-222	A	671
9-610	A	767	16-252	A	4
9-611	A	568	16-305	A	756
9-611	A	767	16-312	A	790
10-127	A	760	16-404	A	790
10-142	A	692	16-674	A	773
11-101	A	291	16-712	A	33
11-103	A	291	16-713	A	33
11-105	A	291	16-714	A	33
11-107	A	291	16-715	A	33
11-109	R	291	16-715	A	749
11-111	A	291	16-1007	A	789
11-112	A	291	16-1013	A	789
11-113	A	291	17-108.02	A	756
11-117	A	291	17-118	A	420
11-119	A	83	17-207	A	420
11-119	A	291	17-566	A	4
11-121	A	291	17-607	A	33
11-123	R	291	17-938	A	633
11-125	A	291	18-132	A	244
11-126	R	291	18-1214	A	57
11-127	A	291	18-1723	A	148
11-201	A	212	18-1738	A	150
12-1106	A	360	18-1738	A	516
13-503	A	83	18-1739	A	240
13-504	A	33	18-1744	A	366
13-508	A	286	18-1901	A	53
13-508	A	470	18-2102.01	A	33
13-508	A	643	18-2154	A	254
13-514	A	502	18-2445	A	217
13-804	A	76	18-2473	A	33
13-901	A	712	19-405	A	327
13-903	A	76	19-406	A	327
13-910	A	712	19-408	A	638
13-916	A	331	19-409	A	327
13-919	A	673	19-2106	A	494
13-926	A	772	19-3040	A	18
13-1305	A	33	19-3501	A	145
14-102	A	420	19-4019	A	194
14-201	A	165	19-4101	A	494
14-201.03	A	165	19-4102	A	494
14-201.04	A	165	19-4104	R	494
14-205	A	638	19-4617	A	727
14-512	A	33	20-143	A	420
14-556	A	33	21-1509	R	92

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21-1510	R	92	24-555	A	229
21-1512	R	92	24-563	A	624
21-1513	R	92	24-573	A	230
21-1514	R	92	24-601.04	A	33
21-1515	R	92	24-701	A	40
21-1516	R	92	24-701	A	41
21-1518	R	92	24-701	A	478
21-1519	R	92	24-701	A	506
21-1520	R	92	24-701	A	583
21-1521	R	92	24-703	A	40
21-17,120.01	A	126	24-703	A	233
21-1921	A	452	24-703	A	478
21-1928	A	368	24-703	A	506
21-2001	A	396	24-703	A	583
21-2027	A	476	24-706	A	506
21-2036	A	476	24-707	A	506
21-2052	A	476	24-708	A	40
21-2056	A	396	24-708	A	506
21-2070	A	482	24-710	A	40
21-2071	A	482	24-710	A	506
21-2075	A	482	24-710.02	A	506
21-2076	A	482	24-714	A	478
21-20,139	A	728	24-714	A	583
21-2202	A	342	24-729	A	478
22-413	A	291	24-730	A	584
23-151	A	588	25-213	A	673
23-214	A	291	25-506.01	A	111
23-215	A	291	25-530.08	A	482
23-320	A	26	25-536	A	805
23-320.05	A	5	25-1223	A	111
23-343.02	A	135	25-1628	A	82
23-343.28	A	5	25-1930	A	583
23-343.92	A	537	25-21,185	R	159
23-362.01	A	5	25-21,189	A	17
23-362.04	A	5	25-21,196	A	594
23-393	R	284	25-21,198	A	594
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23-913	A	470	27-504	A	802
23-1201	A	87	28-101	A	50
23-1204.04	A	291	28-101	A	102
23-1204.05	A	291	28-101	A	151
23-1222	A	389	28-101	A	203
23-1501	A	24	28-101	A	219
23-1501	A	492	28-101	A	243
23-1502	A	24	28-101	A	345
23-1502	A	492	28-101	A	372
23-1514	A	276	28-101	A	464
23-1526	R	5	28-101	A	553
23-1616	A	291	28-101	A	571
23-1720	A	291	28-101	A	658
23-2322	A	506	28-105	A	109
23-2502	A	5	28-105	A	592
23-2530	R	5	28-105	A	596
24-201.01	A	42	28-105.01	R	596
24-209	A	583	28-106	A	109
24-301.01	A	478	28-106	A	420
24-313	A	182	28-107	A	420
24-342	A	446	28-303	A	596
24-342	A	596	28-343	A	344
24-342.02	A	178	28-377	A	650
24-342.02	A	179	28-401	A	483
24-517	A	478	28-404	A	571
24-535	R	232	28-416	A	592

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28-432	A	205	29-1901	A	87
28-433	A	205	29-1901	A	111
28-435	R	205	29-1902	A	111
28-436	R	205	29-2003	A	438
28-445	A	205	29-2013	R	443
28-514	A	200	29-2020	A	596
28-518	A	86	29-2204	A	420
28-519	A	626	29-2206	A	420
28-522	A	90	29-2221	A	684
28-611	A	445	29-2246	A	478
28-611	A	667	29-2252	A	420
28-705	A	362	29-2253	A	478
28-706	A	362	29-2259	A	2
28-710	A	345	29-2262	A	220
28-710	A	561	29-2262	A	420
28-726	A	650	29-2262	A	592
28-801	A	116	29-2262	A	669
28-806	A	138	29-2262.01	A	420
28-807	A	102	29-2270	R	2
28-808	A	674	29-2271	R	2
28-809	A	674	to 29-2274		
28-905	A	201	29-2275	R	2
28-1003	A	50	29-2276	R	2
28-1213	A	215	29-2402	A	420
28-1215	A	215	29-2403	A	420
28-1216	A	215	29-2404	A	420
28-1217	A	215	29-2405	A	420
28-1218	A	215	29-2406	A	420
28-1225	A	215	29-2412	A	420
28-1226	A	215	29-2519	R	596
28-1229	A	215	to 29-2525		
to 28-1232			29-2527	R	596
28-1234	A	215	29-2528	R	596
to 28-1235.01			29-2532	R	596
28-1236	A	215	to 29-2536		
28-1238	A	215	29-2537	R	596
28-1252	A	215	29-2538	R	596
28-1301	A	340	29-2539	R	596
28-1322	A	204	29-2540	R	596
28-1335	A	90	29-2541	R	596
28-1417	A	331	29-2542	R	596
28-1437	A	757	to 29-2546		
28-1439.01	A	205	29-2919	A	420
to 28-1439.05			29-3205	A	596
29-110	A	211	29-3307	A	420
29-119	A	87	30-669.15	A	799
29-210	A	448	30-810	A	579
29-404.02	A	218	30-2665	A	479
29-404.02	A	330	30-3103	A	97
29-422	A	330	30-3109	A	97
29-501	A	420	31-408	A	81
29-610.02	A	420	to 31-409.03		
29-743	A	420	31-438	A	26
29-814.04	A	267	31-543	R	31
29-820	A	808	31-548	R	31
29-824	A	685	31-727.03	A	451
29-825	A	685	31-735	A	792
29-826	A	685	31-763	A	498
29-827	R	685	32-216	A	517
29-1002	A	44	32-216	A	693
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29-1804	A	627	32-220	A	517
29-1804.03	A	484	32-221	A	246

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32-221	A	517
32-221	A	693
32-223	R	517
32-225	A	693
32-308	A	492
32-420.02	A	638
32-421.01	A	83
32-421.01	A	478
32-421.01	A	583
32-424	A	638
32-426	A	638
32-428	A	609
32-438	A	91
32-451	A	609
32-485	A	30
32-4,103	A	30
32-4,150	A	30
32-528	A	638
32-530.01	A	517
32-537	A	253
32-704	A	524
32-705	A	241
32-705	A	382
32-705	A	637
32-845	A	18
32-1401	A	635
32-1401 to 32-1408	A	640
32-1403	A	241
32-1403	A	635
33-105	A	45
33-105	A	132
33-105	A	383
33-105	A	384
33-105	A	715
33-106.02	A	4
33-107	A	4
33-108	A	4
33-112	A	276
33-123	A	233
33-124	A	233
33-125	A	233
33-126	R	233
33-126.02	A	233
33-126.03	A	233
33-126.04	A	233
33-126.05	A	233
33-126.06	A	233
33-129	A	5
33-138	A	234
33-141	A	298
33-150	A	604
33-150	A	757
36-601 to 36-613	R	423
37-101	A	34
37-102	A	34
37-102	A	251
37-102	A	339
37-201	A	34
37-202	A	34
37-204 to 37-208	A	34
37-211	A	56
37-212	A	34
37-213	A	34
37-213	A	127
37-214.03	A	293
37-215	A	550
37-215.06	A	65
37-216.01	A	550
37-301	A	34
37-303	A	34
37-304	A	34
37-305 to 37-308	A	34
37-402	A	34
37-403	A	34
37-404	A	34
37-408	A	34
37-410	A	34
37-410	A	168
37-411	A	34
37-413	A	34
37-413	A	387
37-420	A	387
37-432.01	A	258
37-439	A	258
37-501	A	34
37-501	A	90
37-501	A	171
37-502	A	170
37-503.05	A	166
37-504 to 37-507	A	34
37-505	A	166
37-505	A	172
37-508 to 37-510	A	34
37-510	A	90
37-516	A	34
37-603	A	34
37-606 to 37-608	A	34
37-610 to 37-614	A	34
37-614	A	43
37-702	A	34
37-705	A	34
37-706	A	34
37-706	A	184
37-711	A	34
37-902	A	34
37-1003	A	526
37-1005	A	526
37-1008	A	526
37-1111	A	167
37-1202 to 37-1233	A	195
37-1234	A	169
37-1235	A	169
37-1274	A	195
37-1304	A	18
37-1304	A	151
39-602	A	285
39-602 to 39-603	A	695
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39-668	A	285	42-347	A	400
39-669.02	A	420	42-347	A	401
39-669.04	A	420	42-348	A	478
39-669.05	A	420	42-352	A	478
39-669.07	A	424	42-358.02	A	805
39-669.08	A	141	42-363	A	23
39-669.08	A	424	42-364	A	478
39-669.08	A	799	42-364.01	A	478
39-669.11	A	799	42-364.14	A	478
39-669.14	A	799	42-364.15	A	554
39-669.16	A	424	42-365	A	558
39-669.16	A	799	42-369	A	805
39-669.17	A	420	42-374	A	23
39-669.17	A	799	42-404	A	80
39-669.27	A	227	42-804	A	478
39-669.27	A	281	42-808	A	23
39-669.27	A	285	42-808	A	478
39-669.27	A	420	42-811	A	478
39-669.27	A	424	42-901	A	330
39-669.28	A	285	42-903	A	330
39-669.28	A	420	42-905	A	330
39-669.28	A	450	42-924	A	330
39-669.30	A	285	to 42-926		
39-669.34	A	285	43-104	A	478
39-669.35	A	285	43-105	A	22
39-669.37	A	285	43-107	A	231
39-669.39	R	658	43-107	A	659
39-6,100	A	21	43-109	A	231
39-6,106.01	A	285	43-113	A	229
39-6,112	A	108	43-160	A	478
39-6,113	R	285	43-245	A	420
39-6,122	A	108	43-245	A	478
39-6,122	A	285	43-247	A	420
39-6,122	A	424	43-251	A	420
39-6,122	A	450	43-252	A	478
39-6,122	A	799	43-255	A	420
39-6,134	A	695	43-256	A	420
39-6,136	A	155	43-258	A	663
39-6,138	A	283	43-279.01	A	22
39-6,149	A	416	43-281	A	420
39-6,151	A	416	43-284	A	182
39-6,177	A	713	43-284.01	A	182
39-6,178	A	122	43-285	A	603
39-6,180	A	152	43-285	A	182
39-6,181	A	152	to 43-287		
39-6,190	A	420	43-286	A	420
39-6,192	A	285	43-287	A	420
39-6,211	A	690	43-289	A	182
to 39-6,213			43-290	A	182
39-1101	A	245	43-2,106	A	182
39-1102	R	245	43-2,108	A	478
39-1103	A	245	43-2,108	A	806
39-1108	A	245	43-2,111	A	478
39-1346	A	21	43-2,119	A	455
39-1365	A	576	43-2,119	A	478
39-1507	A	291	43-2,125	A	478
39-1814	A	547	43-2,126	A	182
39-2215	A	258	43-2,126	A	478
39-2215	A	602	43-2,129	A	182
39-2215.01	A	602	43-2,129	A	806
39-2520	A	538	43-508	A	22
40-118	A	12	43-512	A	362
42-103	A	22	43-512	A	449

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43-512.02	A	805	to 44-132		
43-512.03	A	478	44-127.14	A	92
43-512.03	A	805	44-127.30	A	92
43-512.05	A	805	44-129	A	92
43-512.07	A	805	44-130	A	92
43-512.08	A	805	44-133	A	319
43-512.10	A	805	44-133.01	A	92
43-512.11	A	449	44-133.04	A	92
43-531	R	678	44-134	A	319
43-702	A	22	44-137.01	R	92
43-703	R	22	44-137.02	R	92
43-707	A	22	44-137.07	R	92
43-1202	A	478	44-137.08	R	92
43-1301	A	603	44-137.09	R	92
43-1302	A	603	44-137.10	R	92
43-1303	A	603	44-138	A	92
43-1308	A	603	44-139	A	92
43-1314	A	603	44-140	A	92
43-1406	A	478	44-141	A	92
43-1406	A	805	44-142	A	92
43-1411	A	805	44-147	A	92
43-1601	R	265	44-147.01	A	92
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43-1701	A	805	44-147.03	A	92
43-1708	A	805	44-147.04	A	92
43-1709	A	805	44-147.06	A	92
43-1716	A	805	44-148	R	92
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43-1722	A	805	44-153	R	92
43-1723	A	805	44-157	A	92
43-1724	A	805	44-158	R	92
43-1725	A	805	44-201	A	297
43-1726	A	805	44-202	A	92
43-1727	A	805	44-202	A	297
43-1730	A	805	44-202.01	A	92
43-1734	A	805	44-203	A	297
43-1737	A	805	44-203.01	R	297
43-1740	A	805	44-205	A	92
43-1743	A	478	44-205.01	A	92
43-1743	A	805	44-206	A	92
44-101.01	A	92	44-208	A	92
44-102	A	92	44-208.01	A	92
44-103	A	92	44-208.02	A	92
44-105	A	92	44-208.05	A	92
44-107	A	92	44-208.05	A	319
44-107.03	A	6	44-208.06	A	92
44-107.03	A	92	44-208.07	A	92
44-108	A	92	44-208.08	A	92
44-108.01	A	92	44-209	R	92
44-114	A	92	44-210	A	92
44-116	A	92	44-211	A	92
44-117	A	92	44-212	A	92
44-119	A	92	44-213	A	92
44-120	A	92	44-213.01	R	92
44-120	A	319	44-213.02	R	92
44-121	A	319	44-213.03	R	92
44-122	A	92	44-213.04	R	92
44-124	A	319	44-213.05	R	92
44-125	A	92	44-213.06	A	6
44-125	R	319	44-213.06	R	92
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44-127.04	A	92	44-214	A	92
44-127.08	A	92	44-214	A	297

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44-216	A	92	44-366	R	92
44-217	A	92	44-367	A	92
44-218	A	92	44-368	R	92
44-219	A	92	44-379	A	92
44-219	A	297	44-379	A	297
44-219.04	R	92	44-379.01	A	92
44-219.05	R	92	44-380	A	92
44-219.06	R	92	44-383	R	92
44-219.07	R	92	44-384	R	92
44-219.08	R	92	44-385	R	92
44-219.09	R	92	44-386.01	A	92
44-220	A	92	44-386.05	A	6
44-221	A	92	44-386.05	A	92
44-222	A	92	44-386.06	A	92
44-222.01	A	92	44-386.08	A	92
44-222.02	A	92	44-392	R	529
44-223	A	92	44-3,100	R	92
44-224.01	A	92	44-3,101	R	92
44-224.03	A	92	44-3,104	R	92
44-224.04	A	92	44-3,105	R	92
44-224.05	A	92	44-3,106	R	92
44-224.07	A	92	44-3,111	A	92
44-224.08	A	92	44-3,112	A	92
44-231	A	92	44-3,114	A	92
44-232	A	92	44-3,115	A	92
44-234	A	92	44-3,116	A	92
44-235	A	92	44-3,117	A	92
44-236	A	92	44-3,118	A	92
44-237	A	92	44-3,123	A	319
44-238	A	92	44-3,124	R	214
44-239	A	92	44-3,125	R	214
44-240	A	92	44-3,126	R	214
44-242	A	297	44-3,131	A	782
44-243	A	92	44-401	A	297
44-244	A	297	44-402	A	92
44-246	A	297	44-410	R	92
44-247	A	92	44-411	R	92
44-301	A	92	44-412	R	92
44-303	A	92	44-413	R	92
44-304	A	92	44-416.01	A	349
44-305	A	92	to 44-416.04		
44-306	R	92	44-501	A	92
44-319.02	A	92	44-502.04	A	92
44-319.05	A	92	44-503	A	92
44-319.11	A	92	44-511	A	92
44-323	R	92	44-513	A	105
44-324	R	92	44-513	A	342
44-326	A	92	44-514	A	92
44-336	A	92	44-519	A	92
44-336.01	A	92	44-604	R	92
44-336.02	A	92	44-624	R	92
44-336.03	A	92	44-625	R	92
44-336.04	A	6	44-626	R	92
44-336.04	A	92	44-627	R	92
44-336.05	A	92	44-708	R	92
44-336.06	A	92	44-709	A	92
44-348	A	92	44-710	A	6
44-351	A	92	44-710	A	92
44-352	A	92	44-710.01	A	92
44-356	A	92	44-710.02	A	92
44-362	R	92	44-710.03	A	92
44-363	R	92	44-710.04	A	92
44-364	R	92	44-710.05	A	92
44-365	R	92	44-710.06	A	92

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
44-710.07	A	92	44-1620.01	A	303
44-710.08	A	92	44-1622	A	544
44-710.09	A	92	to 44-1623		
44-710.10	A	92	44-1630	A	544
44-710.11	A	92	44-1708	A	92
44-710.12	A	92	44-1802	A	6
44-710.13	A	92	44-1803	A	6
44-710.14	A	92	44-1804	A	6
44-710.15	A	92	44-1805	A	6
44-710.16	A	92	44-1806	A	92
44-710.18	A	92	44-1908	A	92
44-710.19	A	92	44-1911	A	92
44-736	R	92	44-1914	A	92
44-749	A	92	44-1915	A	92
44-750	R	92	44-1916	A	92
44-751	R	92	44-1920	R	6
44-752	R	92	44-2002	A	92
44-754	R	92	44-2002	A	279
44-756	A	92	44-2006	A	279
44-758	A	92	44-2008	A	92
44-761	A	92	44-2106	A	92
44-763	A	92	44-2112	A	92
44-764	A	92	44-2117	A	92
44-766	A	92	44-2201	A	92
44-767	A	92	44-2204	A	92
44-769	A	92	44-2205	A	92
44-779	A	92	44-2206	A	92
44-780	A	92	44-2219	A	92
44-781	A	92	44-2220	A	92
44-782	A	92	44-2402	A	297
44-805	A	92	44-2403	A	319
44-808	A	92	44-2406	A	319
44-813	R	92	44-2407	A	92
44-813.01	R	92	44-2408	A	92
44-814	R	92	44-2409	A	319
44-815	R	92	44-2502	A	92
44-816	R	92	44-2503	A	92
44-817	R	92	44-2606	A	92
44-818	R	92	44-2609	A	92
44-819	R	92	44-2614	A	92
44-820	R	92	44-2615	A	92
44-1203	A	92	44-2618	A	92
44-1203	A	297	44-2621	A	92
44-1206.01	A	319	44-2622	A	92
44-1402	A	297	44-2623	A	92
44-1410	A	92	44-2627	A	92
44-1435	A	92	44-2628	A	92
44-1444	A	297	44-2633	A	92
44-1453	A	92	44-2634	A	92
44-1465.01	A	92	44-2635	A	92
44-1480	A	92	44-2705	A	92
44-1491	A	6	44-2710	A	319
44-1493	A	6	44-2713	A	92
44-1498	A	6	44-2801	R	673
44-1523	A	92	to 44-2855		
44-1525	A	92	44-2823	A	73
44-1525	A	319	44-2824	A	542
44-1525	A	529	44-2855	A	542
44-1533	A	92	44-2916	A	92
44-1605	A	92	44-3103	A	342
44-1607	A	92	44-3112	A	92
44-1607.01	A	92	44-3211	A	92
44-1614	A	92	44-3211	A	745
44-1620	A	544	44-3212	R	6

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
44-3212	R	92	44-4517	A	480
44-3231	A	92	45-101.04	A	272
44-3233	A	92	45-104.01	A	728
44-3236	A	92	45-155.01	R	3
44-3236	A	745	45-190	A	272
44-3239	A	92	45-335	A	94
44-3244	A	92	45-337	A	94
44-3247	A	92	45-338	A	461
44-3248	A	597	45-341	A	94
44-3263	A	92	45-408	R	3
44-3270	A	92	45-603	A	3
44-3276	A	319	45-606	A	206
44-3277	A	92	45-620	A	206
44-3285	A	92	45-621	A	206
44-3291	A	597	46-122	A	383
44-3310	A	92	46-146	A	33
44-3323	A	319	46-1,139	A	33
44-3403	A	92	46-1,140	A	33
44-3501	A	297	46-1,141	A	33
44-3502	A	92	46-205	A	383
44-3503	A	776	46-206	R	383
44-3602	A	92	46-210	A	383
44-3611	A	92	46-212.02	A	132
44-3714	A	92	46-212.02	A	383
44-3717	A	92	46-229	A	383
44-3804	A	92	46-231	A	383
44-3810	A	92	46-233	A	383
44-3822	A	319	46-233.01	A	715
44-3902	A	92	46-233.01	R	383
44-3903	A	92	46-233.02	A	715
44-3903	A	466	46-233.02	A	383
44-3904	A	92	to 46-236		
44-3905	A	92	46-240.01	A	383
44-4002	A	92	to 46-242		
44-4005	A	92	46-250	A	383
44-4010	A	92	46-259	A	383
44-4015	A	92	46-288	R	383
44-4017	A	92	to 46-294		
44-4019	A	92	46-295	A	45
44-4020	A	92	46-298	R	45
44-4021	R	92	46-2,100	A	45
44-4022	A	92	46-2,101	A	45
44-4033	A	92	46-2,102	A	45
44-4035	A	92	46-2,108	A	383
44-4037	A	92	46-2,108	A	384
44-4103	A	92	46-2,116.02	A	364
44-4209	A	92	46-606	A	383
44-4210	A	92	46-613.01	A	715
44-4222	A	380	46-613.01	R	383
44-4227	A	380	46-613.02	A	715
44-4228	A	380	46-613.02	R	383
44-4307	A	92	46-637	A	383
44-4421	A	92	46-638	R	383
44-4501	A	480	to 46-650		
44-4503	A	480	46-651	A	383
44-4504	A	480	46-654	A	383
44-4508	A	92	46-657	A	383
44-4509	A	92	46-666	A	383
44-4510	A	92	46-673.09	A	383
44-4512	A	92	46-675	R	383
44-4513	A	295	to 46-690		
44-4513	R	480	46-1113	A	119
to 44-4516			46-1124	A	619
44-4515	A	295	46-1126	A	619

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
46-1127	A	119	49-1493	A	55
46-1138	A	619	49-1495	A	534
47-117	A	420	49-14,105	A	534
47-120	A	4	49-14,107	A	534
47-401	A	399	49-14,108	A	534
47-408	A	32	49-14,110	A	534
47-1254	A	195	49-14,112	A	534
48-120	A	757	49-14,114	A	534
48-121.01	A	313	49-14,118	A	435
48-124	A	22	49-14,118	A	534
48-140	A	410	49-14,123	A	435
48-141	A	410	49-14,124	R	435
48-145.01	A	367	to 49-14,126		
48-149	A	805	49-14,133	A	435
48-186	A	261	49-1501	A	565
48-193	A	76	50-401.01	A	701
48-1,111	R	8	50-401.01	A	702
48-1,112	R	8	50-416	R	189
48-418.12	A	630	50-417	A	189
48-601	A	636	50-419	A	432
48-609	A	29	50-702	A	432
48-621	A	305	51-311	A	291
48-624	A	315	51-413	A	18
48-624	A	316	51-413	A	151
48-628	A	413	51-502	A	444
48-628	A	415	51-508	A	444
48-628	A	605	51-509	A	444
48-656	A	414	51-512	A	444
48-816	A	453	52-118	A	341
48-818	A	288	52-118	A	217
48-818	A	411	to 52-118.02		
48-818	A	453	52-118	A	257
48-821	A	453	to 52-118.02		
48-838	A	453	52-1001	A	505
48-1102	A	176	to 52-1005		
48-1116	A	175	52-1008	A	505
48-1203	A	412	53-101	A	70
48-1229	A	238	53-101	A	441
48-1229	A	407	53-101	A	768
48-1229	A	698	53-101	A	781
48-1231	A	238	53-101.01	A	781
49-506	A	583	53-103	A	154
49-617	A	478	53-103	A	441
49-617	A	583	53-103	A	704
49-617	A	760	53-107	A	780
49-801	A	420	53-109	A	780
49-1203	A	66	to 53-112		
49-1401	A	149	53-112.03	A	1
49-1401	A	442	53-112.03	R	780
49-1401	A	460	53-112.04	A	1
49-1433	A	644	53-112.04	R	780
49-1445	A	601	53-113	A	780
49-1446.01	A	442	53-114	A	780
49-1446.03	R	435	53-116	A	781
49-1447	A	435	53-117.03	A	781
49-1449	A	435	53-117.03	R	70
49-1450	A	435	53-117.04	A	781
49-1451	A	435	53-117.04	R	70
49-1461	A	524	53-123.04	A	441
49-1462	A	435	53-123.04	A	704
49-1463	R	435	53-123.05	A	780
49-1463.01	R	435	53-123.08	A	441
49-1474.01	A	524	53-123.13	A	441
49-1484	A	435	53-124	A	154

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
53-124.11	A	778	60-302	A	394
53-131	A	781	60-302	A	495
53-132	A	780	60-302	A	649
53-132	A	781	60-302.01	A	291
53-133	A	781	60-303	A	146
53-134	A	781	60-305.01	A	283
53-139	A	441	60-305.09	A	128
53-147	A	781	60-305.09	A	283
53-159	A	780	60-305.09	A	285
53-160.09	A	1	60-311.05	A	58
53-160.09	R	780	60-311.05	A	112
53-164.01	A	777	60-311.10	A	79
53-164.01	A	780	60-311.11	A	158
53-172	A	780	60-311.14	A	417
53-175	A	704	60-315	A	128
53-179	A	703	60-315	A	474
53-180.04	A	420	60-315.01	A	485
53-180.05	A	440	60-320	A	474
53-180.07	A	686	60-320.01	A	474
53-186.01	A	153	60-325	A	347
53-1,116	A	780	60-330	A	283
53-1,116	A	781	60-334	A	283
54-134	A	28	60-344	A	75
54-160	A	50	60-401	A	69
54-605	A	50	60-401	A	284
54-1363	A	38	60-401	A	513
54-2113	A	582	60-401	R	285
54-2201	A	574	60-402	A	69
57-705	A	727	60-402	A	246
57-710	A	728	60-402	A	284
57-717	A	728	60-402	A	513
57-905	A	755	60-402	R	285
57-919	A	728	60-403	A	285
58-201	A	311	60-403	A	805
58-201	A	527	60-403.01	A	72
58-201	A	706	60-403.01	A	285
58-202	A	311	60-403.03	A	285
58-202	A	706	to 60-403.05		
58-203	A	311	60-403.04	R	25
58-207	A	706	60-403.06	R	285
58-214	A	311	to 60-403.10		
58-219	A	311	60-404	A	285
58-219	A	706	60-405	A	285
58-239	A	527	60-406	A	285
58-240	A	221	60-406.01	A	285
58-250	A	706	60-406.03	A	285
58-320	A	221	60-406.04	A	284
58-401	A	577	60-406.04	A	285
to 58-404			60-406.06	A	285
58-413	A	221	60-406.06	A	513
58-413	A	577	60-406.08	A	285
58-435	A	577	60-407	A	284
58-439	A	577	60-407	A	285
59-1617	A	697	60-407	A	742
60-509-04	R	25	60-408	A	285
60-103	A	501	60-408	A	513
60-104	A	501	60-409	A	285
60-107	A	725	60-409.05	A	285
60-115	A	115	to 60-409.11		
60-301	A	131	60-409.13	A	285
60-301	A	283	to 60-427.01		
60-301	A	369	60-411	A	284
60-302	A	246	60-411	A	742
60-302	A	347	60-411.01	A	284

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
60-415	A	284	60-2803	A	101
60-417	A	284	60-2808	A	101
60-420	A	352	66-411	A	71
60-429	A	285	66-421	A	258
60-430	A	285	66-424	A	602
60-430.01	A	285	66-467.01	A	258
60-430.05	A	285	66-473	A	258
60-430.05	A	420	66-473	A	602
60-430.06	A	285	66-479	A	258
60-501	A	495	66-605	A	258
60-503	A	352	66-605.02	A	258
60-505.02	A	347	66-605.02	A	602
60-528	A	347	66-605.04	A	728
60-557	A	25	66-621	A	728
60-557	A	285	66-623	A	728
60-569	A	347	66-624	A	728
60-569	A	495	66-625	A	728
60-570	A	347	66-646	A	728
60-570	R	495	66-1105	A	383
60-574	A	222	66-1219	A	39
60-578	A	222	66-1301	A	587
60-1008	A	326	66-1302	A	587
60-1401.02	A	280	66-1303	A	587
60-1407.01	A	280	66-1304	A	587
60-1411.03	A	280	66-1306	A	587
60-1411.04	A	280	66-1307	A	587
60-1416	A	47	66-1307.01	A	587
60-1417.01	A	186	66-1307.02	A	587
60-1419	A	608	66-1308	A	718
60-1420	A	280	66-1315	A	587
60-1429	A	280	66-1317	A	587
60-1430	A	280	66-1321	A	587
60-1440	A	280	66-1322	A	587
60-1902	A	146	66-1323	A	587
to 60-1904			67-233	A	482
60-1909	A	146	to 67-236		
to 60-1911			67-237	R	482
60-2001	A	463	67-239	A	482
60-2003	A	463	to 67-258		
60-2004	A	463	67-260	A	482
60-2005	A	463	to 67-265		
60-2009	A	463	67-267	A	482
60-2009.01	A	463	to 67-274		
60-2010.01	A	463	67-276	A	482
60-2010.02	A	463	67-278	A	482
60-2013	A	463	to 67-281		
60-2016	R	463	67-283	A	482
60-2018.01	A	463	to 67-286		
60-2021	A	463	67-288	A	482
60-2101.01	A	285	67-289	A	482
60-2104	A	285	67-292	R	482
60-2105	A	285	67-293	A	482
60-2108	A	285	to 67-296		
60-2120	A	25	67-297	R	482
60-2131	A	285	68-104	A	187
60-2132	A	285	68-126	A	187
60-2138	A	72	68-128	A	187
60-2140	R	25	68-129	A	360
60-2141	R	25	68-132	A	422
60-2703	A	661	68-133	A	187
60-2801	A	101	68-137	A	422
60-2802	A	114	68-139	A	187
60-2802	A	285	68-139	A	422
60-2802	R	101	68-150	A	362

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
68-214	A	362	71-174	A	342
68-613	A	469	71-174	A	757
68-621	A	760	71-177	A	348
68-716	A	362	71-178	A	342
68-1020	A	354	71-178	A	757
68-1026	A	362	71-1,103	A	342
68-1038	A	362	71-1,103	A	757
68-1039	A	362	71-1,105	A	342
68-1040	A	362	71-1,107.01	A	342
68-1041	R	362	71-1,107.06	A	342
68-1042	A	362	71-1,132.05	A	342
68-1043	A	362	71-1,132.05	A	757
68-1044	R	362	71-1,132.06	A	342
to 68-1046			71-1,132.06	A	757
68-1206	A	678	71-1,133	A	491
68-1207	A	720	71-1,134	A	491
68-1509	A	362	to 71-1,135.01		
69-1301	R	624	71-1,135	A	323
to 69-1329			71-1,135.02	A	491
70-601	A	271	71-1,135.03	A	491
70-601	A	696	to 71-1,136		
70-610	A	271	71-1,136.01	A	491
70-615	A	271	71-1,136.02	A	491
70-619	A	271	71-1,136.03	A	491
70-624.02	A	730	71-1,136.04	A	491
70-641	A	217	to 71-1,136.09		
70-655	A	696	71-1,137	A	342
70-1020	A	728	71-1,138	A	342
71-101	A	323	71-1,138	A	757
71-101	A	344	71-1,139	A	342
71-101	A	757	71-1,139.01	A	342
71-102	A	342	71-1,140	A	342
71-102	A	757	71-1,141	A	342
71-107	A	342	71-1,147.09	A	205
71-107	A	757	71-1,175	A	519
71-110	A	342	71-1,187	A	757
71-110	A	757	71-1,207	A	757
71-111	A	342	71-1,235	A	757
71-111	A	757	71-1,240	A	342
71-112	A	342	71-1,240	A	757
71-112	A	757	71-1,256	A	757
71-112.01	A	342	71-1,279	A	342
71-112.03	A	757	71-1,279	A	757
71-113	A	757	71-340	A	539
71-114	A	757	71-343	A	539
71-115.01	A	757	71-345	A	539
71-116	A	757	71-353	A	539
71-117	A	757	71-367	A	539
71-118	A	757	71-3,120	A	539
71-119	A	757	71-3,121	A	539
71-120	A	757	71-3,122	A	539
71-121	A	757	71-3,123	A	539
71-121.01	A	757	71-3,127	A	539
71-122	A	757	71-604	A	344
71-123	A	757	71-605	A	344
71-124	A	757	71-606	A	344
71-124.01	A	757	71-612	A	344
71-131	A	342	71-615	A	344
71-131	A	757	71-1637	A	429
71-133	A	489	71-1637	A	439
71-139	A	342	71-1637	A	745
71-139	A	757	71-1901	A	688
71-162	A	342	71-1902	A	290
71-162	A	757	71-1904	A	290

SECTION	REPEAL OR AMEND	BILL
71-1910	A	456
71-1911	A	462
71-1914	A	462
71-1915	A	456
71-2017.01	A	342
71-2017.01	A	614
71-2017.01	A	688
71-2017.02	R	355
71-2017.03	A	724
71-2023	A	610
71-2033	A	344
to 71-2035		
71-2041.02	A	610
71-2041.02	A	733
71-2041.03	A	733
71-2041.04	A	733
71-2045.01	A	344
71-2052	A	614
71-2069	A	92
71-2201	A	68
71-2209	R	344
to 71-2224		
71-2225	A	344
to 71-2230		
71-2601	A	342
71-2609	A	300
71-2802	A	342
71-2802	A	757
71-3201	R	212
to 71-3204		
71-3205	R	212
71-3206	R	212
to 71-3210		
71-3211	R	212
71-3212	R	212
71-3213	R	212
71-3503	A	342
71-3505	A	342
71-3506	A	342
71-3508	A	342
71-3508.03	A	648
71-3515.01	A	648
71-4401	A	519
71-4403	A	519
71-4406	A	51
71-4720	A	130
71-4727	A	130
71-4728	A	130
71-4732	A	130
71-4804	A	285
71-5009	A	511
71-5034	A	76
71-5101	A	569
71-5102	A	569
71-5103	A	569
71-5105	A	569
71-5108	A	273
71-5108	A	569
71-5113	A	569
71-5115	A	569
71-5311	A	344
71-5402	A	342
71-5403	A	353
71-5502	A	726
71-5504	A	726
71-5509	A	726
71-5510	A	726
71-5511	A	726
71-5512	A	726
71-5513	A	726
71-5514	A	726
71-5515	A	726
71-5516	A	726
71-5519	A	726
71-5523	A	726
71-5613	A	753
to 71-5615		
71-5618	A	753
to 71-5621		
71-5625	A	753
71-5628	A	753
71-5630	A	753
to 71-5633		
71-5636	A	753
71-5640	A	753
71-5643	A	753
71-5643.01	A	753
71-5701	A	269
to 71-5703		
71-5707	A	269
71-5709	A	269
to 71-5711		
71-5713	A	269
71-5801	A	439
71-5801	A	429
to 71-5804		
71-5801	R	745
to 71-5813		
71-5804	A	439
71-5805.01	A	429
71-5805.01	A	439
71-5810	A	429
71-5810	A	439
71-5813	A	429
71-5813	A	439
71-5815	R	745
to 71-5818.01		
71-5819	R	745
to 71-5842		
71-5820	R	745
to 71-5826		
71-5821.01	A	429
71-5821.01	A	439
71-5823	A	439
71-5828	A	439
to 71-5831		
71-5828	A	429
to 71-5832		
71-5828	R	745
to 71-5838		
71-5832.02	R	429
71-5832.02	R	439
71-5833	A	429
71-5834	A	429
to 71-5836.01		
71-5834	A	439
to 71-5836.01		
71-5837	A	429

SECTION	REPEAL OR AMEND	BILL
71-5837	A	439
71-5838	A	429
71-5838	A	439
71-5840	A	429
71-5840	A	439
71-5840	R	745
71-5841	A	439
71-5841	R	745
71-5842	A	429
71-5842	A	439
71-5842	R	745
71-5843	A	429
71-5843	A	439
71-5843	R	745
to 71-5855		
71-5844	A	429
71-5844	A	439
71-5844.01	R	429
71-5844.01	R	439
71-5845	A	429
71-5845	A	439
71-5846	A	429
71-5846	R	439
to 71-5848		
71-5847	R	429
71-5848	A	429
71-5850	R	429
71-5850	R	439
71-5851	A	429
71-5855	A	342
71-5857	R	745
to 71-5865		
71-5858	A	439
71-5858	R	429
71-5859	A	429
71-5859	A	439
71-5860	R	439
to 71-5862		
71-5860	R	429
to 71-5864		
71-5863	A	439
71-5864	R	439
71-5865	A	429
71-5865	A	439
71-5866	A	429
71-5866	A	439
71-5866	R	745
71-5867	A	439
71-5867	A	429
to 71-5870		
71-5867	R	745
to 71-5870		
71-5872	A	429
71-5872	R	745
71-5906	A	610
71-6019	A	610
71-6021	A	610
71-6035	A	610
71-6038	A	614
71-6039	A	614
71-6301	A	530
72-240.08	A	83
72-240.09	A	83
72-240.26	A	188
72-240.26	A	807
72-810	A	18
72-815	A	18
72-1101	A	91
72-1102	A	91
72-1103	R	91
72-1104	R	91
72-1105	R	91
72-1106	R	91
to 72-1118		
72-1119	A	91
72-1120	A	91
to 72-1124		
72-1237.01	A	10
72-1237.01	A	151
72-1237.01	A	611
72-1242	A	358
72-1242	A	359
72-1246.03	A	760
72-1260	A	358
72-1260	A	748
72-1261	A	647
72-1262	A	647
72-1266	A	647
72-1268.04	A	33
72-1268.04	A	749
72-1268.05	A	33
72-1269	A	647
74-902	A	419
74-1320	A	728
74-1413	A	509
75-104	A	503
75-111	A	78
to 75-118		
75-128	A	78
75-140	A	78
75-155	A	78
75-301	A	78
to 75-304		
75-305	A	78
to 75-307		
75-309	A	78
75-309.02	R	78
75-311	A	78
75-322.01	R	78
75-348	A	78
75-358	A	78
75-363	A	282
75-363	A	285
75-364	A	282
75-909	A	35
76-214	A	717
76-544	A	466
76-1004	A	334
76-1201	R	254
to 76-1211		
76-1212	R	254
76-1213	R	254
76-1416	A	110
76-1431	A	475
77-112	A	361
77-201	A	361
77-202	A	497
77-202	A	504

SECTION	REPEAL OR AMEND	BILL
77-202	A	655
77-202	A	807
77-202.03	A	133
77-202.24	A	294
77-362.01	R	249
77-362.01	R	299
77-367	R	794
77-368	R	794
77-370	A	794
77-379	A	729
77-382	A	729
77-384	R	729
77-385	A	729
77-401	A	291
77-501	R	794
to 77-506		
77-507.01	R	794
77-508	R	794
to 77-509		
77-508.01	A	361
77-510	A	794
77-511	R	794
77-519	A	794
77-619	R	643
77-620	R	643
77-678	A	611
77-908	A	92
77-918	A	728
77-1301.01	A	794
to 77-1301.04		
77-1301.06	A	794
77-1301.07	A	794
77-1301.08	A	794
77-1301.12	A	794
77-1301.13	A	794
77-1301.14	A	794
77-1301.15	A	794
77-1306.01	A	794
77-1311	A	794
77-1314	A	794
77-1325	R	794
77-1327	A	794
77-1329	A	794
to 77-1334		
77-1336	A	794
77-1338	A	794
to 77-1340		
77-1342	A	794
77-1344	A	361
77-1345	A	794
77-1346	A	794
77-1358	A	794
77-1358	A	804
77-1358	A	807
77-1358	R	361
77-1359	A	361
77-1359	A	794
77-1360	A	794
77-1361	A	361
77-1361	A	794
77-1361	A	804
77-1361	A	807
77-1362	A	794
77-1362	A	804
77-1362	A	807
77-1363	A	361
77-1363	A	794
77-1364	A	361
77-1364	A	794
77-1364	R	804
77-1364	R	807
77-1365	A	361
77-1365	A	794
77-1365	A	804
77-1365	A	807
77-1366	A	361
77-1366	R	804
77-1366	R	807
77-1367	A	361
77-1367	A	794
77-1367	R	804
77-1367	R	807
77-1368	A	794
77-1368	A	804
77-1368	A	807
77-1368	R	361
77-1502	A	794
77-1503.01	A	794
77-1504	A	361
77-1504	A	607
77-1504	A	794
77-1506.02	A	794
77-1507	A	794
77-1510	A	332
77-1513	A	332
77-1601	A	187
77-1601	A	794
77-1602	A	794
77-1615.01	A	794
77-1716.01	A	783
77-1720	A	324
77-1725	A	426
77-1734.01	A	762
77-1735	A	762
77-1736	R	762
77-1736.04	A	762
77-1736.05	R	762
77-1736.08	R	762
77-1736.09	R	762
77-1736.11	R	762
77-1775	A	762
77-1776	R	762
77-1777	A	762
77-1780	A	728
77-1803	A	236
77-1804	A	236
77-1823	A	324
77-1825	A	324
77-2102	A	728
77-2202	A	68
77-2306	A	749
77-2306	A	758
77-2312	A	33
77-2313	A	33
77-2314	A	33
77-2317	A	33
77-2318	A	33
77-2318.01	A	33

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
77-2319	A	33	77-2701	A	149
77-2320	A	33	77-2701	A	329
77-2320	A	749	77-2701	A	390
77-2321	A	33	77-2701	A	405
77-2321	A	549	77-2701	A	460
77-2322	A	33	77-2701	A	532
77-2323	A	33	77-2701	A	599
77-2325	A	33	77-2701.01	A	405
77-2326.01	A	549	77-2701.01	A	784
77-2326.02	A	33	77-2701.01	A	785
77-2326.03	A	33	77-2701.01	A	786
77-2326.04	A	33	77-2701.01	A	787
77-2326.04	A	549	77-2701.02	A	404
77-2326.04	A	749	77-2701.02	A	522
77-2326.06	A	33	77-2701.02	A	528
77-2326.07	A	33	77-2701.02	A	599
77-2326.08	A	33	77-2701.02	A	700
77-2326.09	A	33	77-2701.02	A	774
77-2328	A	33	77-2701.02	A	807
77-2329	A	33	77-2702	A	209
77-2340	A	33	77-2702	A	436
77-2341	A	221	77-2702	A	540
77-2342	A	33	77-2702	A	566
77-2343	A	33	77-2702	A	570
77-2344	A	33	77-2702	A	581
77-2344	A	749	77-2702	A	655
77-2345	A	33	77-2702	A	707
77-2346	A	33	77-2702	A	714
77-2347	A	33	77-2702	A	793
77-2348	A	33	77-2703	A	570
77-2349	A	33	77-2703	A	707
77-2350	A	33	77-2703	A	750
77-2350.01	A	33	77-2704	A	63
77-2351	A	33	77-2704	A	103
77-2352	A	33	77-2704	A	193
77-2352	A	749	77-2704	A	198
77-2353	A	33	77-2704	A	523
77-2353.01	A	33	77-2704	A	557
77-2353.01	A	113	77-2704	A	655
77-2354	A	33	77-2704	A	705
77-2355	A	33	77-2704	A	737
77-2355	A	749	77-2705	A	570
77-2357	A	33	77-2708	A	661
77-2358	A	33	77-2708	A	728
77-2359	A	33	77-2709	A	728
77-2360	A	33	77-2711	A	728
77-2361	A	33	77-2713	A	459
77-2362	A	33	77-2714	A	405
77-2363	A	33	77-2714.01	A	779
77-2364	A	33	77-2714.01	A	786
77-2367	A	33	77-2714.01	A	787
77-2401	A	11	77-2714.01	R	405
to 77-2404			77-2715	A	405
77-2405	A	13	77-2715	A	459
77-2417	A	13	77-2715	A	779
77-2418	A	13	77-2715	A	786
77-2419	A	14	77-2715	A	787
77-2515.07	A	739	77-2715.01	A	405
77-2602	A	96	77-2715.02	A	406
77-2602	A	683	77-2715.02	A	739
77-2602	A	760	77-2715.02	A	779
77-2618	A	728	77-2715.02	A	783
77-2701	A	63	77-2715.02	A	784
77-2701	A	103	77-2715.02	A	785

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77-2715.02	A	786	77-2734.03	A	577
77-2715.02	A	787	77-2734.03	A	687
77-2715.02	R	405	77-2734.04	A	390
77-2715.07	A	63	77-2734.04	A	405
77-2715.07	A	103	77-2753	A	277
77-2715.07	A	239	77-2753	A	405
77-2715.07	A	406	77-2761	A	405
77-2715.07	A	577	77-2765	A	405
77-2715.07	A	687	77-2769.01	A	728
77-2715.07	R	405	77-2775	A	405
77-2715.09	A	433	77-2775	A	779
77-2715.09	A	779	77-2775	A	786
77-2715.09	A	786	77-2775	A	787
77-2715.09	A	787	77-2781	A	405
77-2716	A	140	77-2781	A	779
77-2716	A	235	77-2781	A	786
77-2716	A	357	77-2781	A	787
77-2716	A	405	77-2786	A	405
77-2716	A	458	77-2786	A	779
77-2716	A	459	77-2786	A	786
77-2716	A	481	77-2786	A	787
77-2716	A	535	77-2788	A	728
77-2716	A	629	77-2791	A	258
77-2716	A	779	77-2793	A	405
77-2716	A	786	77-2793	A	779
77-2716	A	787	77-2793	A	786
77-2716	A	807	77-2793	A	787
77-2716.01	A	346	77-2794	A	728
77-2716.01	A	406	77-27,119	A	104
77-2716.01	A	739	77-27,119	A	779
77-2716.01	A	784	77-27,119	A	786
77-2716.01	A	785	77-27,119	A	787
77-2716.01	R	405	77-27,119.02	R	405
77-2716.01	R	779	77-27,132	A	181
77-2716.01	R	786	77-27,132	A	258
77-2716.01	R	787	77-27,132	A	522
77-2717	A	779	77-27,132	A	528
77-2717	A	786	77-27,132	A	599
77-2717	A	787	77-27,132	A	700
77-2724	A	405	77-27,132	A	774
77-2725	A	405	77-27,132	A	807
77-2727	A	779	77-27,144	A	375
77-2727	A	786	77-27,188	A	335
77-2727	A	787	77-27,188	A	563
77-2729	A	405	77-27,188	A	564
77-2729	A	779	77-27,188.01	A	564
77-2729	A	786	77-27,188.02	A	564
77-2729	A	787	77-27,191	A	564
77-2730	A	405	77-3501	A	747
77-2730	A	779	77-3508	A	88
77-2730	A	786	77-3508	A	292
77-2730	A	787	77-3508	A	731
77-2732	A	405	77-3509	A	197
77-2732	A	459	77-3509	A	292
77-2733	A	405	77-3509.01	A	747
77-2733.01	R	405	77-3509.02	A	747
77-2734.01	A	405	77-3509.03	A	747
77-2734.01	A	779	77-3510	A	747
77-2734.01	A	786	77-3511	A	747
77-2734.01	A	787	77-3512	A	67
77-2734.02	A	405	77-3512	A	747
77-2734.02	A	786	77-3513	A	292
77-2734.02	A	787	77-3513	A	731
77-2734.03	A	329	77-3513	A	747

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77-3514	A	292	79-1051.03	R	237
77-3514	A	731	79-1051.04	R	237
77-3514	A	747	79-1051.06	A	237
77-3516	A	747	79-1056	A	237
77-3521	A	747	79-1056.06	A	237
77-3522	A	747	79-1101	A	694
77-3529	A	747	79-1103	A	499
77-3906	A	260	79-1233	A	738
77-4022	A	728	79-1233	A	740
77-4025	A	258	79-1234	R	575
77-4105	A	437	79-1239	A	738
77-5508	A	726	79-1241	A	15
77-5517	A	726	79-1247.02	A	15
77-5520	A	726	79-1247.04	A	250
77-5521	A	726	79-1247.05	A	250
79-102	A	694	79-1247.05	A	738
79-314	A	487	79-1254.02	A	760
79-321.03	A	741	79-1270	A	15
79-328	A	15	79-1270	A	514
79-328	A	285	79-1270.01	A	15
79-328	A	337	79-1270.02	A	15
79-328	A	438	79-1282	A	575
79-402	A	259	79-1283	A	575
79-402.03	A	259	79-1284	A	575
79-402.04	A	259	79-12,145	A	611
79-402.11	A	259	79-1308.01	A	379
79-403	A	486	79-1330	R	611
79-406	A	74	to 79-1334		
79-426.01	A	259	79-1331	A	183
79-426.02	A	259	79-1331	A	487
79-426.05	A	190	79-1333	A	487
79-426.08	A	259	79-1333.02	A	487
79-426.17	A	259	79-1334	A	107
79-435	A	370	79-1334	A	370
79-444	A	678	79-1335	R	611
79-445	A	734	79-1336	R	611
79-449.01	A	487	to 79-1340		
79-451	A	487	79-1338	A	274
79-486	A	30	79-1342	R	611
79-488.06	A	285	to 79-1344.01		
79-488.06	A	448	79-1344.02	A	190
79-490	A	259	79-1344.02	A	611
79-490	A	611	79-1344.03	R	611
79-494	A	370	79-1368	A	611
79-4,102	A	487	79-1369	A	611
79-4,102	A	611	79-1378	A	312
79-4,105.01	A	190	79-1379	A	312
79-4,105.01	A	259	79-1429	A	580
79-4,105.01	R	370	to 79-1431		
79-4,140	A	699	79-1432	R	580
79-4,141.01	A	487	to 79-1434		
79-4,158.01	A	259	79-1501	A	506
79-4,158.01	R	370	79-1515	A	242
79-4,160	A	611	79-1515	A	632
79-4,207	A	487	79-1520	A	506
79-4,207	A	562	79-1552	A	506
79-512.01	R	487	79-1701	A	144
79-803.10	A	638	79-1903	A	438
79-1032	A	237	79-1904	A	438
79-1043	A	242	79-1908	A	438
79-1044.01	A	237	79-1910.01	A	438
79-1046	A	237	79-1911	A	438
79-1051	A	237	79-2001	A	438
79-1051.03	A	33	79-2004	A	438

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79-2005	A	438	81-885.04	A	350
79-2007	A	438	81-885.07	A	350
79-2009.01	A	438	81-885.11	A	350
79-2202.05	A	486	81-885.12	A	350
79-2202.08	A	486	81-885.14	A	350
79-2650.07	A	395	81-885.17	A	350
79-2651	A	143	81-885.18	A	350
79-2801	A	488	81-885.19	A	350
to 79-2808			81-885.24	A	350
79-2809	R	488	81-885.25	A	350
79-2810	A	488	81-885.26	A	350
to 29-2837			81-885.29	A	350
79-2842	A	488	81-885.47	A	467
to 79-2846			81-885.49	R	467
79-2847	R	488	to 81-885.54		
79-2848	A	488	81-8,109	A	263
to 79-2853			81-8,126	A	263
79-2854	R	488	81-8,134	A	604
79-2855	A	488	81-8,139	A	604
to 79-2858			81-8,210	A	76
79-3002	A	760	81-8,219	A	541
79-3201	R	487	81-8,227	A	673
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Economic development: interim study to evaluate and develop policies to assist business and communities(Wesely)..... 201LR
Employment Expansion and Invest. Incentive Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Fundraising: interim study to determine whether legislation is needed to regulate fundraising activities of private companies (Schimek)..... 88LR
Goodyear Company: encourage Goodyear to seek an agreement with employees that will result in location of warehouse in Lincoln (Wesely, Landis, Warner, Schimek, Crosby, McFarland)..... 76LR
Health and fitness clubs: interim study to assess state regulation(Wesely)..... 203LR
Incubators: interim study to review mechanism in LB 409 promoting use of vacant space in public buildings(Barrett)..... 113LR
Insurance: interim study to establish a method of increasing coverage for people under age 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR

LR

Management Week in Nebraska: declare for the week of June 5, 1989(Hannibal)..... 101LR
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR
Statutes relating to notice requirements: interim study(Smith)... 142LR
Student employment: interim study(Lynch)..... 102LR
Taxation: allow cities and villages to exempt business property from taxation(Urban Affairs Committee)..... 16CA
University of Nebraska at Lincoln: commend for establishing the Center for International Trade Policy(Moore, Dierks, Wehrbein, L. Johnson, Scofield, Baack, R. Johnson)..... 220LR

CAMPAIGNS
Campaign financing and campaign spending in Nebraska: interim study(McFarland)..... 51LR

CHARITABLE AND FRATERNAL SOCIETIES
Boy Scout Troop 16 of Southview Christian Church: recognize for its seventy-fifth anniversary June 9-11, 1989(McFarland)..... 215LR
Fundraising: interim study to determine whether legislation is needed to regulate fundraising activities of private companies (Schimek)..... 88LR
National Volunteer Month: designate for the month of April, 1989 (Weihing)..... 77LR
Optimists Club, Nebraska District: express gratitude for support of the Academic Decathlon(Pirsch, Lindsay)..... 82LR

CHILD CARE
Education: interim study of availability, quality, and coordination of early childhood education and child care (Withem)..... 183LR
Health care: interim study to determine programs that provide health care to children(Wesely, Smith)..... 153LR
Regulations of family day care homes in Nebraska: interim study(Wesely, Schellpeper, Goodrich, Crosby, Dierks, Byars)..... 65LR
Services: interim study to evaluate child care services and make recommendations as to implementation of new federal programs (Wesely)..... 204LR

CHILDREN (See also Infants)
Adolescent inpatient chemical dependency treatment: interim study(Bernard-Stevens)..... 80LR
Alcohol: interim study to review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR
At-risk children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Block home programs: encourage Nebraska communities to establish and to use the McGruff House symbol(Moore)..... 160LR
Bryan Elementary School: congratulate for being selected as Nebraska's representative at World Children's Day(Abboud, Chizek) 79LR
Center for Children and Youth, Nebraska: interim study(Nelson, Schmit, Moore, Coordsen)..... 180LR
Child Abuse Prevention Month: declare for the month of April, 1989(Chambers)..... 74LR
Child care: interim study to evaluate child care services and make recommendations as to implementation of new federal programs (Wesely)..... 204LR
Correctional Services, Department of: interim study of the facilities maintained by the department(Nelson, Chambers, Chizek, Hartnett)..... 181LR
Courts: interim study of cost and feasibility to allow courts to order committing of juveniles to the Dept. of Social Services (Coordsen)..... 84LR

LR

Crime: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Divorce: interim study(Kristensen)..... 149LR
Education: interim study of availability, quality, and coordination of early childhood education and child care (Withem)..... 183LR
Establishment of family court system in Nebraska: interim study (Ashford)..... 99LR
Families: interim study of roles and responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Health care: interim study to determine programs that provide health care to children(Wesely, Smith)..... 153LR
Pornography: interim study(Moore)..... 163LR
Regulations of family day care homes in Nebraska: interim study(Wesely, Schellpeper, Goodrich, Crosby, Dierks, Byars)..... 65LR
School buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts (Pirsch)..... 165LR
Week of the Young Child in Nebraska: declare for the week of April 2-8(Wesely)..... 67LR

CHIROPRACTORS AND CHIROPRACTIC
Insurance: interim study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Training: interim study of the clinical training of students(Wehrbein)..... 188LR

CHOLESTEROL
Cholesterol and blood pressure levels: encourage Nebraskans to learn as a step toward becoming more health conscious(Wesely).... 75LR

CHURCHES
Foster, Rev. William: congratulate for 32 years at St. Gerald's parish in Ralston(Abboud)..... 219LR
Greek Orthodox Church: recognize the 30th anniversary of His Eminence Archbishop Iakovos(Schmit)..... 64LR

CITIES OF THE FIRST CLASS
Police pension programs: interim study(Hartnett)..... 104LR

CITIES OF THE METROPOLITAN CLASS
Purchase of Aksarben: interim study of transferring authority from the Douglas County Fairboard to the Douglas County Board (R. Johnson)..... 40LR

CITIES OF THE SECOND CLASS AND VILLAGES
Police officers: interim study of a mandatory retirement system(Haberman)..... 107LR

CLARK, ROBERT
Express sympathy to family(Baack, Barrett, Hefner, Abboud, Lamb, Warner, Schmit, Labedz, Goodrich, Scofield, Pirsch, L. Johnson, Peterson, R. Johnson, Moore, Elmer, Hannibal, Haberman, Beyer, Withem)..... 3LR

COMPACTS
Indian tribes: interim study to arrive at a compact governing certain types of gambling activities on tribal lands(Smith)..... 139LR

COMPUTERS
Postsecondary education: interim study of the availability of computers to students in Nebraska postsecondary institutions (Moore)..... 162LR

CONGRESS
American Latvian Association: support reform movements in Latvia and greater Latvian autonomy from the Soviet Union(Warner)..... 109LR
Bonds: oppose restrictions by Congress in law or regulations that prevent or limit issuance of tax exempt bonds(Schmit)..... 211LR
Canada: urge the U.S. government to establish a permanent duty on pork products imported from Canada(Hefner, Rogers, R. Johnson, Nelson)..... 167LR
Federal budget: provide the Legislature supports the removal of federal transportation trust funds from the budget(Warner, Scofield, Hartnett, Schmit)..... 27LR
Federal motor fuel tax increase: provide Legislature oppose imposition of tax increase to achieve deficit reduction(Warner, Scofield, Hartnett, Schmit)..... 28LR
U.S. Constitutional Convention: withdraw Nebraska's request (Landis)..... 1LR
Underground storage tanks: urge the U.S. EPA and the U.S. Congress to review recently implemented rules(Schmit, Elmer, Lamb, Morrissey, Weihing, R. Johnson, Smith, Beck)..... 217LR
VA health care and VA Medical Centers: express concerns to the U.S. Dept. of Veterans Affairs and the Nebr. Congr. delegation (Hefner, Moore, L. Johnson, Warner, Langford, Beyer)..... 50LR

CONSERVATION (See also Natural Resources)

CONSTITUTION
Agricultural property: provide limitations relating to valuation and aggregate real property taxes(Schmit)..... 15CA
Corporate farming: modify provisions(Wesely)..... 14CA
Courts: change provisions relating to right of appeal (Judiciary Committee)..... 8CA
Economic development: allow cities to make loans for projects(Scofield, Smith, Peterson, Schellpeper)..... 12CA
Economic development: allow cities to use local sources of revenue for purchases of real estate for economic development (Urban Affairs Committee)..... 17CA
Economic development: authorize cities to use local revenue sources(Scofield, Smith, Schellpeper, Peterson)..... 11CA
Home rule charter: authorize adoption by certain counties(Hall).. 7CA
Initiative and referendum petitions: modify signature requirements(Baack)..... 13CA
Natural gas distribution facilities: provide for valuation and assessment(Urban Affairs Committee)..... 18CA
Nebraska Court of Appeals: create(Judiciary Committee)..... 9CA
Petitions: increase the signature requirement for initiative and referendum petitions(Hall)..... 6CA
Property Tax Equalization Commission: establish(Hartnett)..... 19CA
Property tax: interim study of the manner in which the property taxation system in Nebraska is administered(Hartnett, Hall)..... 91LR
Revenue and taxation: authorize separate taxation of agricultural land(R. Johnson, Lamb, Moore, Wehrbein, Hefner)..... 2CA
Supreme Court: increase number of judges(Judiciary Committee, Ashford)..... 10CA
Taxation: allow cities and villages to exempt business property from taxation(Urban Affairs Committee)..... 16CA
Taxation: provide agricultural and horticultural land be a separate and distinct class of property for taxation (R. Johnson, Lamb, Moore, Wehrbein)..... 2LR
U.S. Constitutional Convention: withdraw Nebraska's request (Landis)..... 1LR
Uniformity clause: interim study to examine the history, interpretation, and policy behind the clause(Hall)..... 179LR

Withdraw Nebraska's request for a U.S. constitutional convention for a balanced budget amendment(Landis)..... 1LR

CONSTRUCTION
State highway system: interim study of proposed construction needs(Conway, Nelson)..... 127LR
University of Nebraska-Lincoln: approve revenue bonds for construction of the recreation/athletic facility (Appropriations Committee)..... 223LR

CONSUMERS AND CONSUMER PROTECTION
Insurance: interim study(Landis)..... 129LR
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR

CONTRACTS
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR

CONTROLLED SUBSTANCES
Adolescents: interim study on adolescent inpatient chemical dependency treatment(Bernard-Stevens)..... 80LR
Drug trafficking and gangs in Omaha: interim study(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal). 68LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR

CORPORATIONS
Business incubators: interim study to review mechanism in LB 409 promoting use of vacant space in public buildings(Barrett)..... 113LR
Cities of Nebraska: examine the current economic development needs of the cities(Urban Affairs Committee, Scofield)..... 93LR
Economic development: interim study to evaluate and develop policies to assist business and communities(Wesely)..... 201LR
Employment Expansion and Invest. Incentive Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Fundraising: interim study to determine whether legislation is needed to regulate fundraising activities of private companies (Schimek)..... 88LR
Goodyear Company: encourage Goodyear to seek an agreement with employees that will result in location of warehouse in Lincoln (Wesely, Landis, Warner, Schimek, Crosby, McFarland)..... 76LR
Health and fitness clubs: interim study to assess state regulation(Wesely)..... 203LR
Insurance: interim study to establish a method of increasing coverage for people under age 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR
Management Week in Nebraska: declare for the week of June 5, 1989(Hannibal)..... 101LR
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR
Statutes relating to notice requirements: interim study(Smith)... 142LR
University of Nebraska at Lincoln: commend for establishing the Center for International Trade Policy(Moore, Dierks, Wehrbein, L. Johnson, Scofield, Baack, R. Johnson)..... 220LR

CORRECTIONAL SERVICES, DEPARTMENT OF
Facilities maintained by the department: interim study(Nelson, Chambers, Chizek, Hartnett)..... 181LR
Prisons: interim study to examine population issues and alternatives to alleviate prison overcrowding (Appropriations Committee)..... 222LR

LR

State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR

COUNTIES (See also County Government and Officers)
Banner County: recognize 100th anniversary(Baack)..... 115LR
Home rule charter: authorize adoption by certain counties(Hall).. 7CA

COUNTY GOVERNMENT AND OFFICERS (See also Counties)
Home rule charter: authorize adoption by certain counties(Hall).. 7CA

COURT OF APPEALS, NEBRASKA
Create(Judiciary Committee)..... 9CA

COURTS
Appeals: change provisions relating to right of appeal (Judiciary Committee)..... 8CA
Children: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Correctional Services, Department of: interim study of the facilities maintained by the department(Nelson, Chambers, Chizek, Hartnett)..... 181LR
Establishment of family court system in Nebraska: interim study (Ashford)..... 99LR
Judges: increase number of Supreme Court judges (Judiciary Committee, Ashford)..... 10CA
Juveniles: interim study of cost and feasibility to allow courts to order committing of juveniles to the Dept. of Social Services (Coordsen)..... 84LR
Nebraska Court of Appeals: create(Judiciary Committee)..... 9CA
Sentences: interim study of alternative sentences improving crime victims and increasing responsibility of persons convicted (Schellpeper, Pirsch)..... 192LR
Sentencing: interim study of sentencing disparity and use of sentencing guidelines in Nebraska's criminal justice system (Chambers)..... 187LR
Supreme Court: change provisions relating to right of appeal(Judiciary Committee)..... 8CA
Supreme Court: increase number of judges(Judiciary Committee, Ashford)..... 10CA
Uniform Unclaimed Property Act: interim study to solicit interest of citizens for preparation of possible amendments (Landis)..... 131LR

CREDIT UNIONS
Franklin Community Federal Credit Union: establish a special committee of the Legislature to investigate matters(Schmit, Chambers)..... 5LR

CRIMES AND PUNISHMENTS
Children: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Courts: interim study of alternative sentences improving crime victims and increasing responsibility of persons convicted (Schellpeper, Pirsch)..... 192LR
Courts: interim study of sentencing disparity and use of sentencing guidelines in Nebraska's criminal justice system (Chambers)..... 187LR
Victims Rights Week: designate for the week of April 9-15, 1989(Pirsch)..... 69LR

CRIMINAL CODE, NEBRASKA
Children: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR

Courts: interim study of alternative sentences improving crime victims and increasing responsibility of persons convicted (Schellpeper, Pirsch)..... 192LR
Courts: interim study of sentencing disparity and use of sentencing guidelines in Nebraska's criminal justice system (Chambers)..... 187LR

CUSTODY
Divorce: interim study(Kristensen)..... 149LR

DAMS (See also Water; Natural Resources)

DANNEBROG, NEBRASKA
Declare as the Danish Capital of Nebraska(Rogers, Hannibal)..... 35LR

DEATHS
Clark, Robert: express sympathy to family(Baack, Barrett, Hefner, Abboud, Lamb, Warner, Schmit, Labedz, Goodrich, Scofield, Pirsch, L. Johnson, Peterson, R. Johnson, Moore, Elmer, Hannibal, Haberman, Beyer, Withem)..... 3LR
Peterson, Opal: express sympathy to family(48 Senators)..... 21LR
Sage, Gary: express sympathy to family(Beyer, Hefner)..... 23LR
Sage, Gregory: express sympathy to family(Beyer, Hefner)..... 23LR
Sage, Kelly: express sympathy to family(Beyer, Hefner)..... 23LR

DEBTS
Agriculture: interim study to evaluate the agricultural lending program of the Nebraska Investment Finance Authority (R. Johnson)..... 121LR

DEGRADABLE PRODUCTS
Interim study(Hefner)..... 199LR

DENTISTS AND DENTISTRY
Nebraska's dental laboratory industry and dental technician profession: interim study(Wesely)..... 152LR

DISABLED PERSONS (See also Handicapped Persons)
Education: interim study of the feasibility of educating all handicapped children in their resident district(Baack)..... 112LR
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR

DISTRICT COURT
Children: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Correctional Services, Department of: interim study of the facilities maintained by the department(Nelson, Chambers, Chizek, Hartnett)..... 181LR
Establishment of family court system in Nebraska: interim study (Ashford)..... 99LR
Sentences: interim study of alternative sentences improving crime victims and increasing responsibility of persons convicted (Schellpeper, Pirsch)..... 192LR
Sentencing: interim study of sentencing disparity and use of sentencing guidelines in Nebraska's criminal justice system (Chambers)..... 187LR
Uniform Unclaimed Property Act: interim study to solicit interest of citizens for preparation of possible amendments (Landis)..... 131LR

DIVORCE
Interim study(Kristensen)..... 149LR

DRUGS AND NARCOTICS
Adolescents: interim study on adolescent inpatient chemical dependency treatment(Bernard-Stevens)..... 80LR
Alcohol: interim study to review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR
Drug trafficking and gangs in Omaha: interim study(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal). 68LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR

ECONOMIC DEVELOPMENT
Cities and villages: allow loans for economic development projects(Scofield, Smith, Peterson, Schellpeper)..... 12CA
Cities and villages: authorize use of local revenue for economic development(Scofield, Smith, Schellpeper, Peterson)..... 11CA
Cities of Nebraska: examine the current economic development needs of the cities(Urban Affairs Committee, Scofield)..... 93LR
Employment and Investment Growth Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Employment Expansion and Invest. Incentive Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Indian Reservations in Nebraska: interim study(Hefner)..... 106LR
Management Week in Nebraska: declare for the week of June 5, 1989(Hannibal)..... 101LR
Policies: interim study to evaluate and develop policies to assist business and communities(Wesely)..... 201LR
Real estate: allow cities to use local sources of revenue for purchases of real estate for economic development (Urban Affairs Committee)..... 17CA

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Agriculture, Department of: evaluate the accomplishments of the agriculture promotion and development program(R. Johnson)..... 117LR

EDUCATION (See also Schools)
Accreditation: interim study to review and monitor proposed accreditation rules for elementary and secondary schools(Withem, Lamb)..... 207LR
Bryan Elementary School: congratulate for being selected as Nebraska's representative at World Children's Day(Abboud, Chizek) 79LR
Children: interim study of availability, quality, and coordination of early childhood education and child care (Withem)..... 183LR
Childress, Ed: congratulate for thirty years of service to the Lincoln public school system(McFarland)..... 214LR
Computers: interim study of the availability of computers to students in Nebraska postsecondary institutions(Moore)..... 162LR
Cooperative Extension Service: designate May 8, 1989 as the 75th anniversary(Lynch)..... 103LR
Discipline: interim study of how limitations on school districts have impacted schools(Wesely, Nelson, Dierks, Withem, Bernard-Stevens)..... 100LR
Educational accountability systems: interim study(Withem)..... 185LR
Financing: interim study of a replacement system for the present school finance system(Moore, Lamb, Withem)..... 189LR
Geography: commend the efforts of geographic educators for initiating plans to improve geographic education(Crosby, Ashford, Langford)..... 213LR
Hallstrom, Jack: commend for his contributions to education (Pirsch, Beck, Hannibal, Ashford, Chizek, Hall, Labedz, Lynch, Chambers, Abboud, Hartnett)..... 226LR

Handicapped children: interim study of the feasibility of educating all handicapped children in their resident district (Baack)..... 112LR
Medicaid funds: interim study of feasibility of utilizing federal funds to pay cost of educationally related services (Appropriations Committee)..... 126LR
Public elementary schools: interim study to examine need for and use of certified school counselors(Wesely)..... 151LR
Public-private partnerships: interim study(Withem)..... 184LR
School buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts (Pirsch)..... 165LR
School for the Deaf, Nebraska: recognize for 120 years of service(Chambers, Hefner)..... 63LR
Schools: interim study of ability of school districts to obtain criminal history information for purposes of employing personnel (Goodrich, Bernard-Stevens, Conway, Withem, Robak, Coordsen, Korshoj, Beyer)..... 98LR
Student employment: interim study(Lynch)..... 102LR
Teachers: interim study of teacher training in human relations and cultural diversity(Withem)..... 186LR
University of Nebraska: establish an endowed scholarship program for Black, American Indian, and Hispanic undergraduate students (Chambers)..... 97LR
Vocational Education Week: declare for the week of February 12-18, 1989(Barrett)..... 30LR
Year of the Young Reader: designate 1989 as the Year of the Young Reader(Withem)..... 39LR

EDUCATION, DEPARTMENT OF

Children and families: interim study of roles & responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Teachers: interim study of teacher training in human relations and cultural diversity(Withem)..... 186LR

EDUCATION, STATE BOARD OF

Accreditation: interim study to review and monitor proposed accreditation rules for elementary and secondary schools(Withem, Lamb)..... 207LR
Children: interim study of availability, quality, and coordination of early childhood education and child care (Withem)..... 183LR
Educational accountability systems:interim study(Withem)..... 185LR

ELECTIONS (See also Voters and Voting)

Campaign financing and campaign spending in Nebraska: interim study(McFarland)..... 51LR
Initiative and referendum petitions: modify signature requirements(Baack)..... 13CA
Voting: interim study of development and utilization of standard registration forms and master list of registered voters (Morrissey)..... 175LR

ELGIN, NEBRASKA

Recognize 100th anniversary(Dierks)..... 22LR

ELKHORN, NEBRASKA

Elkhorn High School for Class B state wrestling title: congratulate(Beyer)..... 33LR

EMERGENCIES
Liability limits: interim study for volunteer and professional rescue squad personnel, firefighters and law enforcement officers (Hefner)..... 134LR

EMERSON, NEBRASKA
Emerson-Hubbard High School girls for Class C-2 basketball state title: congratulate(Conway, Hartnett)..... 47LR

EMPLOYEES
Granting school employees membership service credit for years of military service: interim study(Haberman)..... 72LR
Student employment: interim study(Lynch)..... 102LR
Worker's Memorial Day: encourage all citizens of Nebraska to observe(Lynch et al)..... 83LR

EMPLOYERS
Employment security: interim study of issues regarding addition of a seasonal employee disqualification provision (Business and Labor Committee)..... 87LR

EMPLOYMENT
Employment security: interim study of issues regarding addition of a seasonal employee disqualification provision (Business and Labor Committee)..... 87LR
Job training: interim study of the feasibility of implementing a program for individuals receiving unemployment compensation (Hefner)..... 114LR
Management Week in Nebraska: declare for the week of June 5, 1989(Hannibal)..... 101LR
Student employment: interim study(Lynch)..... 102LR
Workers' Memorial Day: encourage all citizens of Nebraska to observe(Lynch et al)..... 83LR

EMPLOYMENT SECURITY
Issues regarding addition of a seasonal employee disqualification provision: interim study(Business and Labor Committee)..... 87LR
Job training: interim study of the feasibility of implementing a program for individuals receiving unemployment compensation (Hefner)..... 114LR

ENERGY
Nebr. Building Energy Conservation Standard & Building Energy Conservation Standards Board: interim study(Baack)..... 136LR

ENVIRONMENTAL CONTROL AND PROTECTION
Ammunition facilities: support protection of public health and the cleanup of contamination which has occurred at facilities (Wesely, Smith, Baack, Nelson, Schmit)..... 221LR
Asbestos Control Act: interim study(Nelson, Robak, Smith, Hannibal)..... 182LR
Degradable products: interim study(Hefner)..... 199LR
Environmental Control, Department of: interim study to assess the ability of the department to respond to increasing demands (Scofield)..... 209LR
Federal Insecticide, Fungicide, and Rodenticide Act: interim study of under what conditions Nebr. should assume administration (R. Johnson)..... 86LR
Hazardous and toxic wastes: interim study(Schmit)..... 194LR
Low-level radioactive waste: interim study to review statutes relating to management and disposal(Schmit)..... 205LR
Municipal water supply pollution: interim study (Urban Affairs Committee, Scofield)..... 94LR

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Solid waste management: interim study(Hartnett, Schmit)..... 89LR
Underground and aboveground petroleum storage tanks: interim study of state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks: interim study to review statutes(Schmit)..... 197LR
Underground storage tanks: urge the U.S. EPA and the U.S. Congress to review recently implemented rules(Schmit, Elmer, Lamb, Morrissey, Weihing, R. Johnson, Smith, Beck)..... 217LR
Waste: interim study to develop a comprehensive plan for solid waste management(Schmit)..... 195LR

ENVIRONMENTAL CONTROL, DEPARTMENT OF
Interim study(Scofield)..... 209LR

ETHANOL
Compatibility of the Nebr. Gasohol and Energy Dev. Act with the Ethanol Authority and Development Act: interim study (R. Johnson)..... 85LR
Ethanol Authority and Development Board: interim study(Schmit)... 196LR

FALLS CITY, NEBRASKA
Falls City Sacred Heart High School boys for Class D-1 basketball state title: congratulate(Morrissey)..... 52LR

FAMILY POLICY ACT
State agencies: interim study of roles and responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR

FARMS AND FARMING (See also Agriculture)
Agriculture Week in Nebraska: declare for the week of March 19-25 and declare March 20 as Agriculture Day in Nebraska (R. Johnson)..... 60LR
Be Kind To Animals Week: proclaim for the week of May 7-13, 1989(Wesely)..... 168LR
Cooperative Extension Service: designate May 8, 1989 as the 75th anniversary(Lynch)..... 103LR
Corporate farming: modify provisions(Wesely)..... 14CA
Employment and Investment Growth Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Employment Expansion and Invest. Incentive Act: interim study to evaluate effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Farm Labor Contractors Act: interim study(Moore)..... 161LR
Federal Insecticide, Fungicide, and Rodenticide Act: interim study of under what conditions Nebr. should assume administration (R. Johnson)..... 86LR
Johnson, Marlan and Mary: commend for being chosen Outstanding Young Farmers for 1989(Wehrbein)..... 57LR
Loans: interim study to evaluate the agricultural lending program of the Nebraska Investment Finance Authority (R. Johnson)..... 121LR
Organic growers: interim study to determine by what standards the State of Nebraska should regulate organic growers (R. Johnson)..... 110LR
Pork: urge the U.S. government to establish a permanent duty on pork products imported from Canada(Hefner, Rogers, R. Johnson, Nelson)..... 167LR
Roadside hunting: interim study(Lynch)..... 166LR
State laboratory: interim study to evaluate ability to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR

LR

Taxes, property: provide limitations relating to valuation and aggregate real property taxes(Schmit)..... 15CA
University of Nebraska at Lincoln: commend for establishing the Center for International Trade Policy(Moore, Dierks, Wehrbein, L. Johnson, Scofield, Baack, R. Johnson)..... 220LR

FINANCIAL INSTITUTIONS
Agriculture: interim study to evaluate the agricultural lending program of the Nebraska Investment Finance Authority (R. Johnson)..... 121LR
Financial planning: interim study to determine the need for more comprehensive regulation of the profession(Conway)..... 190LR

FIRE PROTECTION DISTRICTS
Interim study(Urban Affairs Committee)..... 92LR

FIREFIGHTERS
Liability limits: interim study for volunteer and professional rescue squad personnel, firefighters and law enforcement officers (Hefner)..... 134LR

FOOTBALL
Sutton High School boys for Class C-1 football state title: congratulate(R. Johnson)..... 62LR

FOSTER, REV. WILLIAM
Congratulate for 32 years at St. Gerald's parish in Ralston (Abboud)..... 219LR

FRANKLIN COMMUNITY FEDERAL CREDIT UNION
Legislature: establish a special committee to investigate matters(Schmit, Chambers)..... 5LR

FUELS (See also Motor Vehicle Fuels; Minerals, Oil, and Natural Gas)
Federal motor fuel tax increase: provide Legislature oppose imposition of tax increase to achieve deficit reduction(Warner, Scofield, Hartnett, Schmit)..... 28LR
Gasoline: interim study on issues concerning pricing(Goodrich)... 78LR
Underground and aboveground petroleum storage tanks: interim study of state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks: interim study to review statutes(Schmit)..... 197LR
Underground storage tanks: urge the U.S. EPA and the U.S. Congress to review recently implemented rules(Schmit, Elmer, Lamb, Morrissey, Weihing, R. Johnson, Smith, Beck)..... 217LR

FUNDS
Schools: interim study of desirability of continuing funding for weatherization activities from the severance tax(Wesely)..... 171LR
University of Nebraska-Lincoln: approve revenue bonds for construction of the recreation/athletic facility (Appropriations Committee)..... 223LR

GAMBLING
Gaming commission to regulate gambling: interim study (General Affairs Committee)..... 143LR
Indian tribes: interim study to arrive at a compact governing certain types of gambling activities on tribal lands(Smith)..... 139LR

GAME AND PARKS COMMISSION
Legislature: approve gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission (Bernard-Stevens)..... 4LR

GAMES AND PARKS
Soldier Creek Wilderness Area: celebrate Nebraska's new wilderness area & 25th anniversary of the federal Wilderness Act (Scofield)..... 216LR

GANGS
Gangs and drug trafficking in Omaha: interim study(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal). 68LR

GASOHOL
Compatibility of the Nebr. Gasohol and Energy Dev. Act with the Ethanol Authority and Development Act: interim study (R. Johnson)..... 85LR
Gasohol Committee, Nebraska: interim study(Schmit)..... 196LR

GIBBON, NEBRASKA
Gibbon High School girls for Class C-1 basketball state title: congratulate(Langford)..... 48LR

GOLF
Oakland-Craig High School boys golf team for Class C state title: congratulate(Korshoj)..... 228LR
Wayne High School boys for the Class B golf state title: congratulate(Conway)..... 224LR

GOODYEAR TIRE & RUBBER CO.
Lincoln: encourage Goodyear Co. to seek an agreement with employees that will result in location of warehouse in Lincoln (Wesely, Landis, Warner, Schimek, Crosby, McFarland)..... 76LR

GRANT, NEBRASKA
Perkins County High School boys for Class C-2 basketball state title: congratulate(Haberman)..... 56LR

GROUND WATER (See also Natural Resources; Water)
Ground Water Mgmt. and Protection Act, Nebr.: interim study to evaluate procedures for establishing a special protection area (R. Johnson)..... 111LR
State laboratory: interim study to evaluate ability to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR
Transfers: interim study to examine state laws regarding interstate and intrastate transfers of ground and surface water (Schmit)..... 198LR
Water: interim study to examine issues affecting water quality (Schmit)..... 193LR

GROUP INSURANCE
Chiropractors: interim study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Comprehensive Health Insurance Pool: interim study(Landis, Wesely)..... 144LR
Health care: interim study to examine bidding practices and antitrust provisions in delivery of health care delivery services (Ashford)..... 135LR
Health: interim study to establish a method of increasing coverage for people under age 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR
Interim study(Landis)..... 129LR
State employees: investigate all options to secure continuous health insurance coverage(Appropriations Committee)..... 225LR

HALLSTROM, JACK
Commend for his contributions to education(Pirsch, Beck, Hannibal, Ashford, Chizek, Hall, Labedz, Lynch, Chambers, Abboud, Hartnett)..... 226LR

HAMPTON, NEBRASKA
Hampton High School boys for Class D-2 basketball state title: congratulate(R. Johnson)..... 59LR

HAMPTON, TODD K.
Recognize and congratulate for acts of bravery(Abboud)..... 36LR

HANDGUNS
Assault weapons and handguns: interim study of need for legislation to require a waiting period for purchase(Ashford).... 145LR

HANDICAPPED PERSONS
Education: interim study of the feasibility of educating all handicapped children in their resident district(Baack)..... 112LR
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR

HAZARDOUS WASTE (See also Waste; Nuclear Waste)
Interim study(Schmit)..... 194LR
Low-level radioactive waste: interim study to review statutes relating to management and disposal(Schmit)..... 205LR

HEALTH CARE
Adolescents: interim study on adolescent inpatient chemical dependency treatment(Bernard-Stevens)..... 80LR
Alzheimer's disease: interim study of standards for special care units for victims(Wesely)..... 155LR
Ammunition facilities: support protection of public health and the cleanup of contamination which has occurred at facilities (Wesely, Smith, Baack, Nelson, Schmit)..... 221LR
Blood pressure and cholesterol levels: encourage Nebraskans to learn as a step toward becoming more health conscious(Wesely).... 75LR
Caregivers to the elderly: interim study(Wesely)..... 154LR
Children: interim study to determine programs that provide health care to children(Wesely, Smith)..... 153LR
Chiropractors: interim study of the clinical training of students studying chiropractic(Wehrbein)..... 188LR
Comprehensive Health Insurance Pool: interim study(Landis, Wesely)..... 144LR
Continuing care retirement communities in Nebraska: interim study(Wesely)..... 170LR
Health and fitness clubs: interim study to assess state regulation(Wesely)..... 203LR
Human service programs and the health status of the state's citizens: interim study(Health Committee)..... 156LR
Insurance: interim study of providing supplemental health insurance and cost of living adjustments for retired teachers (Haberman)..... 108LR
Insurance: interim study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Insurance: interim study to establish a method of increasing coverage for people under age 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR
Massage Therapy Awareness Week: declare for the week of October 22-29, 1989(Ashford, Moore)..... 70LR

Medicaid funds: interim study of feasibility of utilizing federal funds to pay cost of educationally related services (Appropriations Committee)..... 126LR
Nebraska's dental laboratory industry and dental technician profession: interim study(Wesely)..... 152LR
Public elementary schools: interim study to examine need for and use of certified school counselors(Wesely)..... 151LR
Public Institutions, Department of: interim study to examine the regional center system and its operation(Smith)..... 150LR
Services: interim study to examine bidding practices and antitrust provisions(Ashford)..... 135LR
Uniform Organ Donor Card: encourage Nebraskans to sign and carry for the use of kidneys and other organs after death (Wesely)..... 32LR
University of Nebr. Medical Center Health Care Project: approve implementation(Appropriations Committee)..... 25LR
VA health care and VA Medical Centers: express concerns to the U.S. Dept. of Veterans Affairs and the Nebr. Congr. delegation (Hefner, Moore, L. Johnson, Warner, Langford, Beyer)..... 50LR

HEALTH CLUBS
State regulation: interim study(Wesely)..... 203LR

HEALTH, DEPARTMENT OF
Asbestos Control Act: interim study(Nelson, Robak, Smith, Hannibal)..... 182LR
Mobile homes: interim study of the Mobile Home Landlord Tenant Act and statutes relating to mobile home parks(Beyer)..... 124LR
Nebraska's dental laboratory industry and dental technician profession: interim study(Wesely)..... 152LR

HIGHWAYS (See also Roads)
State highway system: interim study of proposed construction needs(Conway, Nelson)..... 127LR

HISTORICAL SOCIETY, NEBRASKA STATE
Meriwether Lewis Foundation: convey to the foundation, the dredge, Meriwether Lewis(Morrissey)..... 26LR

HORSE RACING
Simulcasting: interim study to examine the impact all forms of simulcasting have on citizens of the state(Smith)..... 138LR

HOSPITAL-MEDICAL LIABILITY ACT, NEBRASKA
Interim study(Chizek)..... 176LR

HOSPITALS (See also Health Care)
Hospital-Medical Liability Act, Nebraska: interim study to review matters relating to the act(Chizek)..... 176LR

HOUSING
Homelessness: interim study to explore the involvement of the state in the alleviation of the growing problem(Wesely)..... 169LR
Homelessness: interim study to provide information and explore future involvement of the state to alleviate the problem (Wesely)..... 212LR

HUNTERS AND HUNTING
Roadside hunting: interim study(Lynch)..... 166LR

HUSBAND AND WIFE
Child Abuse Prevention Month: declare for the month of April, 1989(Chambers)..... 74LR

LR

Children and families: interim study of roles and responsibilities of state agencies in serving children & families (Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Establishment of family court system in Nebraska: interim study (Ashford)..... 99LR

INDIANS (See also Native Americans)
Economic development on Indian Reservations in Nebraska: interim study(Hefner)..... 106LR
Tribes: interim study to arrive at a compact governing certain types of gambling activities on tribal lands(Smith)..... 139LR

INFANTS (See also Children)
At-risk children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Block home programs: encourage Nebraska communities to establish and to use the McGruff House symbol(Moore)..... 160LR
Bryan Elementary School: congratulate for being selected as Nebraska's representative at World Children's Day(Abboud, Chizek) 79LR
Center for Children and Youth, Nebraska: interim study(Nelson, Schmit, Moore, Coordsen)..... 180LR
Child Abuse Prevention Month: declare for the month of April, 1989(Chambers)..... 74LR
Child care: interim study to evaluate child care services and make recommendations as to implementation of new federal programs (Wesely)..... 204LR
Crime: interim study to investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Divorce: interim study(Kristensen)..... 149LR
Education: interim study of availability, quality, and coordination of early childhood education and child care (Withem)..... 183LR
Establishment of family court system in Nebraska: interim study (Ashford)..... 99LR
Families: interim study of roles and responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Health care: interim study to determine programs that provide health care to children(Wesely, Smith)..... 153LR
Pornography: interim study(Moore)..... 163LR
Week of the Young Child in Nebraska: declare for the week of April 2-8(Wesely)..... 67LR

INITIATIVE 300
Corporate farming: modify provisions(Wesely)..... 14CA

INITIATIVES AND REFERENDUM
Petitions: modify signature requirements(Baack)..... 13CA

INSURANCE
Chiropractors: interim study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Comprehensive Health Insurance Pool: interim study(Landis, Wesely)..... 144LR
Health care: interim study to examine bidding practices and antitrust provisions in delivery of health care delivery services (Ashford)..... 135LR
Hospital-Medical Liability Act, Nebraska: interim study to review matters relating to the act(Chizek)..... 176LR

Insurance: interim study to establish a method of increasing coverage for people under age 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR
Interim study(Landis)..... 129LR
Medicaid funds: interim study of feasibility of utilizing federal funds to pay cost of educationally related services (Appropriations Committee)..... 126LR
Rental car companies: interim study of legislation needed to regulate collision or loss damage waivers sold by companies (Lamb)..... 146LR
State employees: investigate all options to secure continuous health insurance coverage(Appropriations Committee)..... 225LR
Teachers: interim study of providing supplemental health insurance and cost of living adjustments for retired teachers (Haberman)..... 108LR

INSURANCE, DEPARTMENT OF

Health care: interim study to examine bidding practices and antitrust provisions in delivery of health care delivery services (Ashford)..... 135LR
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR

INTERIM STUDIES

Accountability: statutes relating to public accountability and disclosure of lobbying activities(Wesely)..... 172LR
Adolescent inpatient chemical dependency treatment (Bernard-Stevens)..... 80LR
Agriculture, Department of: evaluate the accomplishments of the agriculture promotion and development program(R. Johnson)..... 117LR
Agriculture: evaluate the ability of the state laboratory to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR
Agriculture: evaluate the agricultural lending program of the Nebraska Investment Finance Authority(R. Johnson)..... 121LR
Agriculture: study the compatibility of the Nebr. Gasohol and Energy Dev. Act with the Ethanol Authority and Development Act (R. Johnson)..... 85LR
Aksarben: transfer authority from the Douglas County Fairboard to the Douglas County Board(R. Johnson)..... 40LR
Alcohol: review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR
Alzheimer's disease: study of standards for special care units for victims(Wesely)..... 155LR
Asbestos Control Act(Nelson, Robak, Smith, Hannibal)..... 182LR
Auctioneers: regulation and licensure(Beyer)..... 125LR
Business: interim study to review mechanism in LB 409 promoting use of vacant space in public buildings for business incubators (Barrett)..... 113LR
Campaign financing and campaign spending in Nebraska(McFarland)... 51LR
Caregivers to the elderly(Wesely)..... 154LR
Center for Children and Youth, Nebraska(Nelson, Schmit, Moore, Coordsen)..... 180LR
Central Nebr. Public Power and Irrigation District: study impact of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR
Child care: determine programs that provide health care to children(Wesely, Smith)..... 153LR
Children: develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Children: evaluate child care services and make recommendations as to implementation of new federal programs (Wesely)..... 204LR

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Children: examine availability, quality, and coordination of early childhood education and child care in communities(Withem).. 183LR
Children: investigate how cases involving crimes against children are prosecuted(Wesely)..... 200LR
Chiropractors: examine the clinical training of students studying chiropractic(Wehrbein)..... 188LR
Cities of Nebraska: examine the current economic development needs of the cities(Urban Affairs Committee, Scofield)..... 93LR
Commercial motor vehicles: study implementation of minimum federal requirements of licensure of operators(Lamb)..... 148LR
Comprehensive Health Insurance Pool(Landis, Wesely)..... 144LR
Computers: availability to students in Nebraska postsecondary institutions(Moore)..... 162LR
Continuing care retirement communities(Wesely)..... 170LR
Correctional Services, Department of: examine facilities maintained by the department(Nelson, Chambers, Chizek, Hartnett). 181LR
Courts: examine sentencing disparity and use of sentencing guidelines in Nebraska's criminal justice system(Chambers)..... 187LR
Courts: examine whether alternative sentences improve crime victims and increase responsibility of persons convicted (Schellpeper, Pirsch)..... 192LR
Degradable products(Hefner)..... 199LR
Dental laboratory industry and dental technician profession (Wesely)..... 152LR
Divorce(Kristensen)..... 149LR
Economic development on Indian Reservations in Nebraska(Hefner)... 106LR
Economic development: evaluate and develop policies to assist business and communities(Wesely)..... 201LR
Education: examine public-private partnerships(Withem)..... 184LR
Education: examine teacher training in human relations and cultural diversity(Withem)..... 186LR
Education: study feasibility of educating all handicapped children in their resident school district(Baack)..... 112LR
Educational accountability systems(Withem)..... 185LR
Employment and Investment Growth Act: evaluate the effects of the act for rural areas and small communities(R. Johnson)..... 120LR
Employment Expansion and Investment Incentive Act: evaluate the effects of the act for rural areas and small communities (R. Johnson)..... 120LR
Employment security: interim study of issues regarding addition of a seasonal employee disqualification provision (Business and Labor Committee)..... 87LR
Employment: study the feasibility of implementing a job training program for individuals receiving unemployment compensation (Hefner)..... 114LR
Environmental Control, Department of: assess ability of the department to respond to increasing demands(Scofield)..... 209LR
Establishment of a family court system in Nebraska(Ashford)..... 99LR
Ethanol Authority and Development Board: interim study (R. Johnson)..... 41LR
Farm Labor Contractors Act(Moore)..... 161LR
Federal Insecticide, Fungicide, and Rodenticide Act: interim study of under what conditions Nebr. should assume administration (R. Johnson)..... 86LR
Financial planning: determine the need for more comprehensive regulation of the profession(Conway)..... 190LR
Fire protection district statutes(Urban Affairs Committee)..... 92LR
Gambling: establish a separate gaming commission to regulate gambling(General Affairs Committee)..... 143LR
Gangs and drug trafficking in Omaha(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal)..... 68LR
Gasoline: interim study on issues concerning pricing(Goodrich)... 78LR
Ground Water Mgmt. and Protection Act, Nebr.: evaluate procedures for establishing a special protection area (R. Johnson)..... 111LR

Handguns: study need for legislation to require a waiting period for purchase of handguns and assault weapons(Ashford)..... 145LR
Hazardous and toxic wastes(Schmit)..... 194LR
Health and fitness clubs: assess state regulation(Wesely)..... 203LR
Health care: examine bidding practices and antitrust provisions in delivery of health care delivery services(Ashford)..... 135LR
Health insurance: establish a method of increasing coverage for individuals under the age of 65 who do not have health insurance (Schellpeper, Wesely)..... 159LR
Health insurance: study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Homelessness: explore the involvement of the state in the alleviation of the growing problem(Wesely)..... 169LR
Homelessness: provide information and explore future involvement of the state to alleviate the problem(Wesely)..... 212LR
Horse racing: impact of all forms of simulcasting have on citizens of the state(Smith)..... 138LR
Hospital-Medical Liability Act, Nebraska: review and study matters relating to the act(Chizek)..... 176LR
Human service programs and the health status of the state's citizens(Health Committee)..... 156LR
Indian tribes: engage in negotiations to arrive at a compact governing certain types of gambling activities on tribal lands (Smith)..... 139LR
Insurance(Landis)..... 129LR
Juveniles: interim study of cost and feasibility to allow courts to order committing of juveniles to the Dept. of Social Services (Coordsen)..... 84LR
Land: examine lands owned by the state and managed by Board of Educ. Lands and Funds to determine if lands should be sold (Schmit)..... 206LR
Legislative time: study of use and scheduling(Barrett)..... 158LR
Legislature: examine the committee structure and the appropriation process(Haberman)..... 191LR
Legislature: study feasibility of adopting a rule to limit the work week to 4 session days for conducting business(Withem)..... 116LR
Liability limits: review for volunteer and professional rescue squad personnel, firefighters, and law enforcement officers (Hefner)..... 134LR
Liquor Control Act, Nebraska(Smith)..... 140LR
Low-level radioactive waste: review statutes relating to management and disposal(Schmit)..... 205LR
Medicaid funds: feasibility of utilizing federal funds to pay cost of educationally related services (Appropriations Committee)..... 126LR
Mobile Home Landlord Tenant Act(Beyer)..... 124LR
Motor vehicles: examine current provisions of law relating to abandoned motor vehicles(Lamb, Baack)..... 174LR
Motor vehicles: issues relating to titling, registration, and operation of motor vehicles(Lamb)..... 147LR
Municipal water supply pollution(Urban Affairs Committee, Scofield)..... 94LR
Municipalities: provide a forum for representatives to present issues which would be the subject of future legislation (Urban Affairs Committee)..... 95LR
Nebr. College of Technical Agriculture at Curtis: assess future of the college if Kearney College becomes part of Univ. of Nebr. (R. Johnson)..... 118LR
Nebraska Building Energy Conservation Standard & Building Energy Conservation Standards Board(Baack)..... 136LR
Nebraska Gasohol Committee and the Ethanol Authority and Development Board(Schmit)..... 196LR

LR
Nebraska's tax system(Hall)..... 177LR
Notice requirements(Smith)..... 142LR
Organic growers: determine by what standards the State of Nebraska should regulate organic growers(R. Johnson)..... 110LR
Police pension programs in cities of the first class(Hartnett).... 104LR
Pornography(Moore)..... 163LR
Prisons: examine population issues and alternatives to alleviate prison overcrowding(Appropriations Committee)..... 222LR
Private companies: determine whether legislation is needed to regulate fundraising activities(Schimek)..... 88LR
Property tax: interim study of the manner in which the property taxation system in Nebraska is administered(Hartnett, Hall)..... 91LR
Public elementary schools: examine need for and use of certified school counselors(Wesely)..... 151LR
Public Institutions, Department of: examine the regional center system and its operation(Smith)..... 150LR
Public power: examine role and structure in the state(Schmit).... 210LR
Railroads: interim study to determine if legislation should be enacted to assist in keeping vital links operational (Bernard-Stevens)..... 54LR
Regulations of family day care homes in Nebraska(Wesely, Schellpeper, Goodrich, Crosby, Dierks, Byars)..... 65LR
Rental car companies: study legislation needed to regulate collision or loss damage waivers sold by companies(Lamb)..... 146LR
Retirement systems administered by the state: interim study (Haberman)..... 71LR
Revenue and taxation: examine sales tax exemptions(Hall)..... 178LR
Roadside hunting(Lynch)..... 166LR
Sanitary and improvement districts(Urban Affairs Committee)..... 96LR
School buses: enact legislation requiring school buses to have safety seat belts(Pirsch)..... 165LR
School employees: grant membership service credit for years of military service(Haberman)..... 72LR
Schools: effectiveness of schools weatherization activities (Wesely)..... 171LR
Schools: examine a replacement system for the present school finance system(Moore, Lamb, Withem)..... 189LR
Schools: interim study of ability of school districts to obtain criminal history information for purposes of employing personnel (Goodrich, Bernard-Stevens, Conway, Withem, Robak, Coordsen, Korshoj, Beyer)..... 98LR
Schools: interim study of how limitations on school districts have impacted discipline in schools(Wesely, Nelson, Dierks, Withem, Bernard-Stevens)..... 100LR
Schools: review and monitor proposed accreditation rules for elementary and secondary schools(Withem, Lamb)..... 207LR
Second class cities: interim study of a mandatory retirement system for police officers(Haberman)..... 107LR
Service contracts: interim study to review existing statutes regulating service contracts(Hartnett, Withem)..... 90LR
Snowmobiles(Wehrbein)..... 173LR
Solid waste management(Hartnett, Schmit)..... 89LR
State agencies: roles and responsibilities in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
State highway system: proposed construction needs(Conway, Nelson) 127LR
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR
Steroids: abuse by Nebraska high school and college youth(Hefner) 123LR
Student employment(Lynch)..... 102LR
Taxation: examine circuit breaker programs and determine the possibility of implementation in Nebraska(Wesely)..... 202LR

Teachers: interim study of providing supplemental health insurance and cost of living adjustments for retired teachers (Haberman)..... 108LR
Tourism: interim study to review laws prohibiting liquor consumption at tourist sites without a liquor license(Smith)..... 141LR
Underground and aboveground petroleum storage tanks: state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks(Schmit)..... 197LR
Uniform Commercial Code: solicit interest of citizens for preparation of possible amendments to the code(Landis)..... 130LR
Uniform Unclaimed Property Act: solicit interest of citizens for preparation of possible amendments(Landis)..... 131LR
Uniformity clause: examine the history, interpretation, and policy behind the clause(Hall)..... 179LR
Veterans' affairs: level of involvement and participation by state government in meeting needs of veterans(Conway, Baack)..... 128LR
Voting: development and utilization of standard voter registration forms and master list of all registered voters (Morrissey)..... 175LR
Waste: develop a comprehensive plan for solid waste management (Schmit)..... 195LR
Water: examine issues affecting water quality(Schmit)..... 193LR
Water: examine state laws regarding interstate and intrastate transfers of ground and surface water(Schmit)..... 198LR

IRRIGATION

Central Nebr. Public Power & Irrigation Dist.: interim study of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR

JUDGES

Supreme Court: increase number(Judiciary Committee, Ashford)..... 10CA

JUVENILES

Adolescent inpatient chemical dependency treatment: interim study(Bernard-Stevens)..... 80LR
Alcohol: interim study to review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR
At-risk children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Block home programs: encourage Nebraska communities to establish and to use the McGruff House symbol(Moore)..... 160LR
Center for Children and Youth, Nebraska: interim study(Nelson, Schmit, Moore, Coordsen)..... 180LR
Correctional Services, Department of: interim study of the facilities maintained by the department(Nelson, Chambers, Chizek, Hartnett)..... 181LR
Courts: interim study of cost and feasibility to allow courts to order committing of juveniles to the Dept. of Social Services (Coordsen)..... 84LR
Gangs and drug trafficking in Omaha: interim study(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal) 68LR
Pornography: interim study(Moore)..... 163LR
Schools: interim study of how limitations on school districts have impacted discipline in schools(Wesely, Nelson, Dierks, Withem, Bernard-Stevens)..... 100LR

KEARNEY STATE COLLEGE

Business department office building: designate as the Roland B. Welch Hall(Langford)..... 29LR

LABOR

Employment security: interim study of issues regarding addition of a seasonal employee disqualification provision (Business and Labor Committee)..... 87LR

LR

Farm Labor Contractors Act: interim study(Moore)..... 161LR
Job training: interim study of the feasibility of implementing a program for individuals receiving unemployment compensation (Hefner)..... 114LR
Management Week in Nebraska: declare for the week of June 5, 1989(Hannibal)..... 101LR
Student employment: interim study(Lynch)..... 102LR
Workers' Memorial Day: encourage all citizens of Nebraska to observe(Lynch et al)..... 83LR

LATVIA
American Latvian Association: endorse attempts to locate and recover the remains of Dr. Karlis Ulmanis(Warner)..... 109LR

LAW ENFORCEMENT
Liability limits: interim study for volunteer and professional rescue squad personnel, firefighters and law enforcement officers (Hefner)..... 134LR
Police pension programs in cities of the first class: interim study(Hartnett)..... 104LR
Second class cities: interim study of a mandatory retirement system for police officers(Haberman)..... 107LR
Victims Rights Week: designate for the week of April 9-15, 1989(Pirsch)..... 69LR

LAWRENCE, NEBRASKA
Lawrence High School girls for Class D-2 basketball state title: congratulate(Kristensen)..... 44LR

LEASES
Mobile homes: interim study of the Mobile Home Landlord Tenant Act and statutes relating to mobile home parks(Beyer)..... 124LR

LEGISLATURE
Bonds: oppose restrictions by Congress in law or regulations that prevent or limit issuance of tax exempt bonds(Schmit)..... 211LR
Clark, Robert: express sympathy to family(Baack, Barrett, Hefner, Abboud, Lamb, Warner, Schmit, Labedz, Goodrich, Scofield, Pirsch, L. Johnson, Peterson, R. Johnson, Moore, Elmer, Hannibal, Haberman, Beyer, Withem)..... 3LR
Committee structure and the appropriation process: interim study(Haberman)..... 191LR
Franklin Community Federal Credit Union: establish a special committee to investigate matters(Schmit, Chambers)..... 5LR
Gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission: approve(Bernard-Stevens)..... 4LR
Legislative time: study of use and scheduling(Barrett)..... 158LR
Lobbyists: interim study of statutes relating to public accountability and disclosure of lobbying activities(Wesely)..... 172LR
Peterson, Opal: express sympathy to family(48 Senators)..... 21LR
Petitions: increase the signature requirement for initiative and referendum petitions(Hall)..... 6CA
Revenue and taxation: authorize separate taxation of agricultural land(R. Johnson, Lamb, Moore, Wehrbein, Hefner)..... 2CA
Uniformity clause: interim study to examine the history, interpretation, and policy behind the clause(Hall)..... 179LR
Withdraw Nebraska's request for a U.S. constitutional convention for a balanced budget amendment(Landis)..... 1LR
Work week: interim study of the feasibility of adopting a rule to limit the work week to 4 session days for conducting business (Withem)..... 116LR

LIABILITY (See also Negligence)
Hospital-Medical Liability Act, Nebraska: interim study to review matters relating to the act(Chizek)..... 176LR

Rental car companies: interim study of legislation needed to regulate collision or loss damage waivers sold by companies (Lamb)..... 146LR
Volunteer and professional rescue squad personnel, firefighters and law enforcement officers: interim study of liability limits (Hefner)..... 134LR

LICENSES AND PERMITS
Auctioneers: interim study(Beyer)..... 125LR
Commercial motor vehicles: interim study of implementation of minimum federal requirements of licensure of operators(Lamb)..... 148LR
Liquor: interim study to review laws prohibiting liquor consumption at tourist sites without a liquor license(Smith)..... 141LR
Motor vehicles: interim study of issues relating to titling, registration, and operation(Lamb)..... 147LR
Motor vehicles: interim study to examine current provisions of law relating to abandoned motor vehicles(Lamb, Baack)..... 174LR
Snowmobiles: interim study(Wehrbein)..... 173LR

LINCOLN, NEBRASKA
Goodyear Company: encourage Goodyear to seek an agreement with employees that will result in location of warehouse in Lincoln (Wesely, Landis, Warner, Schimek, Crosby, McFarland)..... 76LR
Lincoln Southeast High School: congratulate for winning the National Bicentennial Competition(Crosby, Schimek)..... 157LR

LIQUOR CONTROL ACT, NEBRASKA
Interim study(Smith)..... 140LR
Tourism: interim study to review laws prohibiting liquor consumption at tourist sites without a liquor license(Smith)..... 141LR

LIQUORS
Juveniles: interim study to review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR
Liquor Control Act, Nebraska: interim study(Smith)..... 140LR
Tourism: interim study to review laws prohibiting liquor consumption at tourist sites without a liquor license(Smith)..... 141LR

LIVESTOCK
State laboratory: interim study to evaluate ability to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR

LOANS
Agriculture: interim study to evaluate the agricultural lending program of the Nebraska Investment Finance Authority (R. Johnson)..... 121LR
Economic development: allow cities to make loans for projects(Scofield, Smith, Peterson, Schellpeper)..... 12CA

LOBBYISTS AND LOBBYING
Accountability: interim study of statutes relating to public accountability and disclosure of lobbying activities(Wesely)..... 172LR

LOTTERIES
Gaming commission to regulate gambling: interim study (General Affairs Committee)..... 143LR

MASSAGE
Massage Therapy Awareness Week: declare for the week of October 22-29, 1989(Ashford, Moore)..... 70LR

MEDIA
Allan, Tom: commend for 42 years with the Omaha World Herald and his contributions to statewide unity(49 senators)..... 227LR

MEDICAID
Funds: interim study of feasibility of utilizing federal medicaid funds to pay cost of educationally related services (Appropriations Committee)..... 126LR

MEDICINE AND SURGERY (See also Health Care)
Alzheimer's disease: interim study of standards for special care units for victims(Wesely)..... 155LR
Blood pressure and cholesterol levels: encourage Nebraskans to learn as a step toward becoming more health conscious(Wesely).... 75LR
Hospital-Medical Liability Act, Nebraska: interim study to review matters relating to the act(Chizek)..... 176LR
Human service programs and the health status of the state's citizens: interim study(Health Committee)..... 156LR
Liability limits: interim study for volunteer and professional rescue squad personnel, firefighters and law enforcement officers (Hefner)..... 134LR
Nebraska's dental laboratory industry and dental technician profession: interim study(Wesely)..... 152LR
Uniform Organ Donor Card: encourage Nebraskans to sign and carry for the use of kidneys and other organs after death (Wesely)..... 32LR

MENTAL HEALTH
Human service programs and the health status of the state's citizens: interim study(Health Committee)..... 156LR
Public Institutions, Department of: interim study to examine the regional center system and its operation(Smith)..... 150LR

MILITARY
Adjutant General Association of the United States: welcome to Lincoln May 12-16, 1989(Baack)..... 105LR
Express sympathy to Sage family(Beyer, Hefner)..... 23LR
Granting school employees membership service credit for years of military service: interim study(Haberman)..... 72LR
Veterans' affairs: interim study of level of involvement and participation by state government in meeting needs of veterans (Conway, Baack)..... 128LR

MILLARD, NEBRASKA
Bryan Elementary School: congratulate for being selected as Nebraska's representative at World Children's Day(Abboud, Chizek) 79LR
Millard South High School boys for Class A basketball state title: congratulate(Chizek, Abboud, Beyer)..... 53LR
Millard South High School girls for Class A basketball state title: congratulate(Chizek, Abboud)..... 49LR

MINERALS, OIL, AND NATURAL GAS (See also Motor Vehicle Fuels; Petroleum Products; Fuels)
Natural gas distribution facilities: provide for valuation and assessment(Urban Affairs Committee)..... 18CA
Underground and aboveground petroleum storage tanks: interim study of state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks: interim study to review statutes(Schmit)..... 197LR
Underground storage tanks: urge the U.S. EPA and the U.S. Congress to review recently implemented rules(Schmit, Elmer, Lamb, Morrissey, Weihing, R. Johnson, Smith, Beck)..... 217LR

MOBILE HOME LANDLORD AND TENANT ACT
Interim study(Beyer)..... 124LR

MOBILE HOMES
Mobile Home Landlord Tenant Act: interim study(Beyer)..... 124LR

MONEY AND FINANCING
Financial planning: interim study to determine the need for more comprehensive regulation of the profession(Conway)..... 190LR

MOTOR CARRIERS
Commercial motor vehicles: interim study of implementation of minimum federal requirements of licensure of operators(Lamb)..... 148LR

MOTOR VEHICLE FUELS (See also Fuels; Minerals, Oil, and Natural Gas)
Compatibility of the Nebr. Gasohol and Energy Dev. Act with the Ethanol Authority and Development Act: interim study (R. Johnson)..... 85LR
Gasoline: interim study on issues concerning pricing(Goodrich)... 78LR
Nebraska Gasohol Committee and the Ethanol Authority and Development Board: interim study(Schmit)..... 196LR

MOTOR VEHICLES
Abandoned vehicles: interim study to examine current provisions of law(Lamb, Baack)..... 174LR
Commercial motor vehicles: interim study of implementation of minimum federal requirements of licensure of operators(Lamb)..... 148LR
Gasoline: interim study on issues concerning pricing(Goodrich)... 78LR
Nebraska Historical and Special Interest Automobile Recognition Week: declare for the week of June 11-18, 1989(Abboud)..... 73LR
Registration, titling, and operation: interim study(Lamb)..... 147LR
Rental car companies: interim study of legislation needed to regulate collision or loss damage waivers sold by companies (Lamb)..... 146LR
School buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts (Pirsch)..... 165LR
Snowmobiles: interim study(Wehrbein)..... 173LR

MOTOR VEHICLES, DEPARTMENT OF
Commercial motor vehicles: interim study of implementation of minimum federal requirements of licensure of operators(Lamb)..... 148LR
Registration, titling, and operation of motor vehicles: interim study(Lamb)..... 147LR

MUNICIPALITIES
Fire protection district statutes: interim study (Urban Affairs Committee)..... 92LR
Interim study to provide a forum for representatives to present issues which would be the subject of future legislation (Urban Affairs Committee)..... 95LR
Municipal water supply pollution: interim study (Urban Affairs Committee, Scofield)..... 94LR
Sanitary and improvement districts: interim study of the statutes creating and controlling districts (Urban Affairs Committee)..... 96LR

NATIONAL GUARD
Adjutant General Association of the United States: welcome to Lincoln May 12-16, 1989(Baack)..... 105LR

NATIVE AMERICANS (See also Indians)
Economic development on Indian Reservations in Nebraska: interim study(Hefner)..... 106LR
Indian tribes: interim study to arrive at a compact governing certain types of gambling activities on tribal lands(Smith)..... 139LR

LR

NATURAL RESOURCES (See also Ground Water; Conservation)
Ammunition facilities: support protection of public health and the cleanup of contamination which has occurred at facilities (Wesely, Smith, Baack, Nelson, Schmit)..... 221LR
Central Nebr. Public Power & Irrigation Dist.: interim study of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR
Ground water Mgmt. and Protection Act, Nebr. : interim study to evaluate procedures for establishing a special protection area (R. Johnson)..... 111LR
Twin Loup Project: encourage Congress to appropriate sufficient funds to continue project and complete Davis Creek Dam(Rogers)... 66LR
Water: interim study to examine issues affecting water quality (Schmit)..... 193LR
Water: interim study to examine state laws regarding interstate and intrastate transfers of ground and surface water(Schmit)..... 198LR

NEGLIGENCE (See also Liability)
Hospital-Medical Liability Act, Nebraska: interim study to review matters relating to the act(Chizek)..... 176LR
Rental car companies: interim study of legislation needed to regulate collision or loss damage waivers sold by companies (Lamb)..... 146LR
Volunteer and professional rescue squad personnel, firefighters and law enforcement officers: interim study of liability limits (Hefner)..... 134LR

NEW HORIZONS
Recognize the New Horizons Project, staff and participating citizens(Coordsen, Wesely, Hartnett, Landis, Baack, Hall, Warner) 43LR
Select Committee on Rural-Urban Renewal: reauthorize work and appoint new members to fill vacancies(Coordsen, Hall)..... 24LR

NEWSPAPERS
Allan, Tom: commend for 42 years with the Omaha World Herald and his contributions to statewide unity(49 senators)..... 227LR

NOTICES
Statutes relating to notice requirements: interim study(Smith)... 142LR

NUCLEAR WASTE (See also Hazardous Waste; Waste)
Interim study(Schmit)..... 194LR
Low-level radioactive waste: interim study to review statutes relating to management and disposal(Schmit)..... 205LR

NURSING (See also Health Care)

NURSING HOMES
Alzheimer's disease: interim study of standards for special care units for victims(Wesely)..... 155LR
Caregivers to the elderly: interim study(Wesely)..... 154LR
Continuing care retirement communities in Nebraska: interim study(Wesely)..... 170LR
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR

OAKLAND, NEBR.
Oakland-Craig High School boys golf team for Class C state title: congratulate(Korshoj)..... 228LR

OCCUPATIONAL SAFETY AND HEALTH ACT
Anniversary: recognize on April 28, 1989(Lynch et al)..... 83LR

OILS, FUEL AND ENERGY
Underground and aboveground petroleum storage tanks: interim study of state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks: interim study to review statutes(Schmit)..... 197LR
Underground storage tanks: urge the U.S. EPA and the U.S. Congress to review recently implemented rules(Schmit, Elmer, Lamb, Morrissey, Weihing, R. Johnson, Smith, Beck)..... 217LR

OMAHA
Central High School: congratulate for Academic Decathlon state championship(Pirsch, Lindsay)..... 82LR
Drug trafficking and gangs in Omaha: interim study(Lindsay, Kristensen, Nelson, Chizek, Chambers, Pirsch, Abboud, Hannibal). 68LR
Purchase of Aksarben: interim study of transferring authority from the Douglas County Fairboard to the Douglas County Board (R. Johnson)..... 40LR

PENSIONS
Police pension programs in cities of the first class: interim study(Hartnett)..... 104LR

PETERSON, OPAL
Express sympathy to family(48 Senators)..... 21LR

PETITIONS (See also Voters and Voting)
Initiative and referendum petitions: modify signature requirements(Baack)..... 13CA
Signature requirement: increase for initiative and referendum petitions(Hall)..... 6CA

PETROLEUM PRODUCTS (See also Fuels; Minerals, Oil, and Natural Gas)
Underground and aboveground petroleum storage tanks: interim study of state and federal rules and regulations(Hefner, Baack, Schmit)..... 122LR
Underground petroleum storage tanks: interim study to review statutes(Schmit)..... 197LR

PICKLE CARDS
Gaming commission to regulate gambling: interim study (General Affairs Committee)..... 143LR

POLICE OFFICERS
Police pension programs in cities of the first class: interim study(Hartnett)..... 104LR
Second class cities: interim study of a mandatory retirement system for police officers(Haberman)..... 107LR

POLITICAL SUBDIVISIONS
Bonds: oppose restrictions by Congress in law or regulations that prevent or limit issuance of tax exempt bonds(Schmit)..... 211LR

POLLUTION
Degradable products: interim study(Hefner)..... 199LR
Environmental Control, Department of: interim study to assess the ability of the department to respond to increasing demands (Scofield)..... 209LR
Municipal water supply pollution: interim study (Urban Affairs Committee, Scofield)..... 94LR
Solid waste management: interim study(Hartnett, Schmit)..... 89LR

PORNOGRAPHY
Interim study(Moore)..... 163LR

POSTSECONDARY EDUCATION (See also Universities and Colleges)
Computers: interim study of the availability of computers to students in Nebraska postsecondary institutions(Moore)..... 162LR
Nebr. College of Technical Agric. at Curtis: interim study to assess future if Kearney College becomes part of Univ. of Nebr. (R. Johnson)..... 118LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR
University of Nebraska: establish an endowed scholarship program for Black, American Indian, and Hispanic undergraduate students (Chambers)..... 97LR

POTTER, NEBRASKA
Potter-Dix High School girls for Class D-1 basketball state title: congratulate(Baack)..... 46LR

PRISONERS AND PRISONS
Prison population and overcrowding: interim study (Appropriations Committee)..... 222LR

PRIVATE EDUCATION
Public-private partnerships: interim study(Withem)..... 184LR

PROPERTY
Taxation: provide agricultural and horticultural land be a separate and distinct class of property for taxation(R. Johnson, Lamb, Moore, Wehrbein)..... 2LR
Uniform Unclaimed Property Act: interim study to solicit interest of citizens for preparation of possible amendments (Landis)..... 131LR

PROPERTY TAX (See also Revenue and Taxation)
Circuit breaker programs: interim study to examine programs and determine the possibility of implementation in Nebraska (Wesely)..... 202LR
Interim study of the manner in which the property taxation system is administered in Nebraska(Hartnett, Hall)..... 91LR
Land: provide agricultural and horticultural land be a separate and distinct class of property for taxation(R. Johnson, Lamb, Moore, Wehrbein)..... 2LR
Nebraska's overall tax system: interim study(Hall)..... 177LR

PROPERTY TAX EQUALIZATION COMMISSION
Establish(Hartnett)..... 19CA

PUBLIC ASSISTANCE
Homelessness: interim study to explore the involvement of the state in the alleviation of the growing problem(Wesely)..... 169LR
Homelessness: interim study to provide information and explore future involvement of the state to alleviate the problem (Wesely)..... 212LR

PUBLIC EMPLOYEES
Insurance: investigate all options to secure continuous health insurance coverage for state employees (Appropriations Committee)..... 225LR

PUBLIC EMPLOYEES, SCHOOLS
Insurance: interim study of providing supplemental health insurance and cost of living adjustments for retired teachers (Haberman)..... 108LR

PUBLIC HEALTH AND WELFARE
Alcohol: interim study to review liquor laws to ensure they protect at-risk youths(Smith)..... 137LR

Alzheimer's disease: interim study of standards for special care units for victims(Wesely)..... 155LR
Ammunition facilities: support protection of public health and the cleanup of contamination which has occurred at facilities (Wesely, Smith, Baack, Nelson, Schmit)..... 221LR
Caregivers to the elderly: interim study(Wesely)..... 154LR
Children: interim study to determine programs that provide health care to children(Wesely, Smith)..... 153LR
Chiropractors: interim study of the clinical training of students studying chiropractic(Wehrbein)..... 188LR
Comprehensive Health Insurance Pool: interim study(Landis, Wesely)..... 144LR
Continuing care retirement communities in Nebraska: interim study(Wesely)..... 170LR
Human service programs and the health status of the state's citizens: interim study(Health Committee)..... 156LR
Insurance: interim study regarding reimbursement by health insurance companies for services provided by chiropractors (Moore)..... 164LR
Liability limits: interim study for volunteer and professional rescue squad personnel, firefighters and law enforcement officers (Hefner)..... 134LR
Nebraska's dental laboratory industry and dental technician profession: interim study(Wesely)..... 152LR
Public elementary schools: interim study to examine need for and use of certified school counselors(Wesely)..... 151LR
Public Institutions, Department of: interim study to examine the regional center system and its operation(Smith)..... 150LR

PUBLIC INSTITUTIONS, DEPARTMENT OF

Children and families: interim study of roles & responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Regional center system: interim study to examine its operation (Smith)..... 150LR
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR

PUBLIC POWER

Central Nebr. Public Power & Irrigation Dist.: interim study of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR
Interim study(Schmit)..... 210LR

PUBLIC POWER DISTRICTS

Central Nebr. Public Power & Irrigation Dist.: interim study of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR
Public power: interim study to examine role and structure in the state(Schmit)..... 210LR

PUBLIC UTILITIES

Public power: interim study to examine role and structure in the state(Schmit)..... 210LR

RADIOACTIVE WASTE

Interim study(Schmit)..... 194LR

LR

Low-level radioactive waste: interim study to review statutes relating to management and disposal(Schmit)..... 205LR

RAILROADS (See also Transportation)
Transportation: interim study to determine if legislation should be enacted to assist in keeping vital links operational (Bernard-Stevens)..... 54LR

RANCHING
Be Kind To Animals Week: proclaim for the week of May 7-13, 1989(Wesely)..... 168LR
Cooperative Extension Service: designate May 8, 1989 as the 75th anniversary(Lynch)..... 103LR
Corporate farming: modify provisions(Wesely)..... 14CA
Farm Labor Contractors Act: interim study(Moore)..... 161LR
Federal Insecticide, Fungicide, and Rodenticide Act: interim study of under what conditions Nebr. should assume administration (R. Johnson)..... 86LR
Loans: interim study to evaluate the agricultural lending program of the Nebraska Investment Finance Authority (R. Johnson)..... 121LR
Organic growers: interim study to determine by what standards the State of Nebraska should regulate organic growers (R. Johnson)..... 110LR
Roadside hunting: interim study(Lynch)..... 166LR
Taxes, property: provide limitations relating to valuation and aggregate real property taxes(Schmit)..... 15CA
University of Nebraska at Lincoln: commend for establishing the Center for International Trade Policy(Moore, Dierks, Wehrbein, L. Johnson, Scofield, Baack, R. Johnson)..... 220LR

REAL ESTATE
Economic development: allow cities to use local sources of revenue for purchases of real estate for economic development (Urban Affairs Committee)..... 17CA

REGISTRATION
Motor vehicles: interim study of issues relating to titling, registration, and operation(Lamb)..... 147LR
Motor vehicles: interim study to examine current provisions of law relating to abandoned motor vehicles(Lamb, Baack)..... 174LR
Snowmobiles: interim study(Wehrbein)..... 173LR

RENTAL CAR COMPANIES
Regulation of collision or loss damage waivers sold by companies: interim study(Lamb)..... 146LR

RETIREMENT
Continuing care retirement communities in Nebraska: interim study(Wesely)..... 170LR
Granting school employees membership service credit for years of military service: interim study(Haberman)..... 72LR
Police pension programs in cities of the first class: interim study(Hartnett)..... 104LR
Second class cities: interim study of a mandatory retirement system for police officers(Haberman)..... 107LR
Various retirement systems administered by state: interim study(Haberman)..... 71LR

REVENUE AND TAXATION
Agricultural property: provide limitations relating to valuation and aggregate real property taxes(Schmit)..... 15CA
Bonds: oppose restrictions by Congress in law or regulations that prevent or limit issuance of tax exempt bonds(Schmit)..... 211LR

Business property: allow cities and villages to exempt from taxation(Urban Affairs Committee)..... 16CA
Canada: urge the U.S. government to establish a permanent duty on pork products imported from Canada(Hefner, Rogers, R. Johnson, Nelson)..... 167LR
Circuit breaker programs: interim study to examine programs and determine the possibility of implementation in Nebraska (Wesely)..... 202LR
Federal motor fuel tax increase: provide Legislature oppose imposition of tax increase to achieve deficit reduction(Warner, Scofield, Hartnett, Schmit)..... 28LR
Land: provide agricultural and horticultural land be a separate and distinct class of property for taxation(R. Johnson, Lamb, Moore, Wehrbein)..... 2LR
Natural gas distribution facilities: provide for valuation and assessment(Urban Affairs Committee)..... 18CA
Nebraska's overall tax system: interim study(Hall)..... 177LR
Property Tax Equalization Commission: establish(Hartnett)..... 19CA
Property tax: interim study of the manner in which the property taxation system in Nebraska is administered(Hartnett, Hall)..... 91LR
Sales tax exemptions: interim study(Hall)..... 178LR
Schools: interim study of a replacement system for the present school finance system(Moore, Lamb, Withem)..... 189LR
Uniformity clause: interim study to examine the history, interpretation, and policy behind the clause(Hall)..... 179LR

ROADS (See also Highways)
State highway system: interim study of proposed construction needs(Conway, Nelson)..... 127LR

RULES OF THE ROAD
Motor vehicles: interim study of issues relating to titling, registration, and operation(Lamb)..... 147LR
School buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts (Pirsch)..... 165LR
Snowmobiles: interim study(Wehrbein)..... 173LR

SAFETY
Workers' Memorial Day: encourage all citizens of Nebraska to observe(Lynch et al)..... 83LR

SAGE, GARY
Express sympathy to family(Beyer, Hefner)..... 23LR

SAGE, GREGORY
Express sympathy to family(Beyer, Hefner)..... 23LR

SAGE, KELLY
Express sympathy to family(Beyer, Hefner)..... 23LR

SALES AND INCOME TAX (See also Revenue and Taxation)
Nebraska's overall tax system: interim study(Hall)..... 177LR
Sales tax exemptions: interim study(Hall)..... 178LR

SANITARY AND IMPROVEMENT DISTRICTS
Statutes creating and controlling sanitary and improvement districts: interim study(Urban Affairs Committee)..... 96LR

SCHOLARSHIPS
University of Nebraska: establish an endowed scholarship program for Black, American Indian, and Hispanic undergraduate students (Chambers)..... 97LR

SCHOOL DISTRICTS
Accreditation: interim study to review and monitor proposed accreditation rules for elementary and secondary schools(Withem, Lamb)..... 207LR
Buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts(Pirsch)..... 165LR
Childress, Ed: congratulate for thirty years of service to the Lincoln public school system(McFarland)..... 214LR
Discipline: interim study of how limitations on school districts have impacted schools(Wesely, Nelson, Dierks, Withem, Bernard-Stevens)..... 100LR
Educational accountability systems: interim study(Withem)..... 185LR
Effectiveness of school weatherization activities: interim study(Wesely)..... 171LR
Employees: interim study of ability of the districts to obtain criminal history information for purposes of employing personnel (Goodrich, Bernard-Stevens, Conway, Withem, Robak, Coordsen, Korshoj, Beyer)..... 98LR
Financing: interim study of a replacement system for the present school finance system(Moore, Lamb, Withem)..... 189LR
Geography: commend the efforts of geographic educators for initiating plans to improve geographic education(Crosby, Ashford, Langford)..... 213LR
Granting school employees membership service credit for years of military service: interim study(Haberman)..... 72LR
Handicapped children: interim study of the feasibility of educating all handicapped children in their resident district (Baack)..... 112LR
Land: interim study of lands owned by state and managed by Board of Educ. Lands and Funds to determine if lands should be sold (Schmit)..... 206LR
Public elementary schools: interim study to examine need for and use of certified school counselors(Wesely)..... 151LR
Public-private partnerships: interim study(Withem)..... 184LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR
Student employment: interim study(Lynch)..... 102LR
Teachers: interim study of teacher training in human relations and cultural diversity(Withem)..... 186LR
Vocational Education Week: declare for the week of February 12-18, 1989(Barrett)..... 30LR
Year of the Young Reader: designate 1989 as the Year of the Young Reader(Withem)..... 39LR

SCHOOL FOR THE DEAF, NEBRASKA
Recognize for 120 years of service(Chambers, Hefner)..... 63LR

SCHOOLS (See also Education)
Accreditation: interim study to review and monitor proposed accreditation rules for elementary and secondary schools(Withem, Lamb)..... 207LR
Bryan Elementary School: congratulate for being selected as Nebraska's representative at World Children's Day(Abboud, Chizek) 79LR
Buses: interim study on feasibility of enacting legislation requiring school buses to have safety seat belts(Pirsch)..... 165LR
Children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Childress, Ed: congratulate for thirty years of service to the Lincoln public school system(McFarland)..... 214LR
Discipline: interim study of how limitations on school districts have impacted schools(Wesely, Nelson, Dierks, Withem, Bernard-Stevens)..... 100LR

LR
Educational accountability systems: interim study(Withem)..... 185LR
Effectiveness of school weatherization activities: interim study(Wesely)..... 171LR
Employees: interim study of ability of districts to obtain criminal history information for purposes of employing personnel (Goodrich, Bernard-Stevens, Conway, Withem, Robak, Coordsen, Korshoj, Beyer)..... 98LR
Financing: interim study of a replacement system for the present school finance system(Moore, Lamb, Withem)..... 189LR
Geography: commend the efforts of geographic educators for initiating plans to improve geographic education(Crosby, Ashford, Langford)..... 213LR
Granting school employees membership service credit for years of military service: interim study(Haberman)..... 72LR
Handicapped children: interim study of the feasibility of educating all handicapped children in their resident district (Baack)..... 112LR
Land: interim study of lands owned by state and managed by Board of Educ. Lands and Funds to determine if lands should be sold (Schmit)..... 206LR
Lincoln Southeast High School: congratulate for winning the National Bicentennial Competition(Crosby, Schimek)..... 157LR
Omaha Central High School: congratulate Academic Decathlon state championship(Pirsch, Lindsay)..... 82LR
Public elementary schools: interim study to examine need for and use of certified school counselors(Wesely)..... 151LR
Public-private partnerships: interim study(Withem)..... 184LR
School for the Deaf, Nebraska: recognize for 120 years of service(Chambers, Hefner)..... 63LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR
Student employment: interim study(Lynch)..... 102LR
Teachers: interim study of teacher training in human relations and cultural diversity(Withem)..... 186LR
Vocational Education Week: declare for the week of February 12-18, 1989(Barrett)..... 30LR
Year of the Young Reader: designate 1989 as the Year of the Young Reader(Withem)..... 39LR

SCOTTSBLUFF, NEBRASKA

Scottsbluff High School boys for Class A wrestling state title: congratulate(Weihing)..... 34LR
Scottsbluff Junior High School Band: congratulate for being awarded the John Phillip Sousa Foundation's Sudler Cup(Weihing).. 20LR

SECRETARY OF STATE

Voting: interim study of development and utilization of standard registration forms and master list of registered voters (Morrissey)..... 175LR

SECURED TRANSACTIONS

Uniform Commercial Code: interim study to solicit interest of citizens for preparation of possible amendments to the code (Landis)..... 130LR

SEEDS

State laboratory: interim study to evaluate ability to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR

SENIOR CITIZENS (See also Aged and Aging)

SEXUAL ABUSE

Child Abuse Prevention Month: declare for the month of April, 1989(Chambers)..... 74LR

LR

Children: encourage Nebraska communities to establish block home programs and to use the McGruff House symbol(Moore)..... 160LR
Pornography: interim study(Moore)..... 163LR

SOCIAL SERVICES, DEPARTMENT OF
Center for Children and Youth, Nebraska: interim study(Nelson, Schmit, Moore, Coordsen)..... 180LR
Children and families: interim study of roles & responsibilities of state agencies in serving children and families(Scofield, Landis, Baack, Hall, Barrett, Withem, Byars, Schimek, Coordsen, Lynch, Hannibal, Crosby, Smith)..... 133LR
Children: interim study to develop prevention and early intervention programs for at-risk children(Scofield, Landis, Baack, Withem, Barrett, Hall, Byars, Schimek, Lynch, Hannibal, Crosby, Smith)..... 132LR
Juveniles: interim study of cost and feasibility to allow courts to order committing of juveniles to the Dept. of Social Services (Coordsen)..... 84LR

SOLID WASTE
Interim study(Schmit)..... 195LR
Interim study(Hartnett, Schmit)..... 89LR

STATE EMPLOYEES
Insurance: investigate all options to secure continuous health insurance coverage(Appropriations Committee)..... 225LR

STEROIDS
Abuse by Nebraska high school and college youth: interim study(Hefner)..... 123LR

SUPREME COURT
Appeals: change provisions relating to right of appeal (Judiciary Committee)..... 8CA
Judges: increase number(Judiciary Committee, Ashford)..... 10CA
Nebraska Court of Appeals: create(Judiciary Committee)..... 9CA

SUTTON, NEBRASKA
Sutton High School boys for Class C-1 basketball state title: congratulate(R. Johnson)..... 58LR
Sutton High School boys for Class C-1 football state title: congratulate(R. Johnson)..... 62LR

TEACHERS (See also Education)
Childress, Ed: congratulate for thirty years of service to the Lincoln public school system(McFarland)..... 214LR
Education: interim study of teacher training in human relations and cultural diversity(Withem)..... 186LR
Geography: commend the efforts of geographic educators for initiating plans to improve geographic education(Crosby, Ashford, Langford)..... 213LR
Hallstrom, Jack: commend for his contributions to education (Pirsch, Beck, Hannibal, Ashford, Chizek, Hall, Labedz, Lynch, Chambers, Abboud, Hartnett)..... 226LR
Insurance: interim study of providing supplemental health insurance and cost of living adjustments for retired teachers (Haberman)..... 108LR
Schools: interim study of ability of school districts to obtain criminal history information for purposes of employing personnel (Goodrich, Bernard-Stevens, Conway, Withem, Robak, Coordsen, Korshoj, Beyer)..... 98LR

TEKAMAH, NEBRASKA
Tekamah-Herman High School for Class C state wrestling title: congratulate(Korshoj)..... 37LR

TENANTS
Mobile homes: interim study of the Mobile Home Landlord Tenant Act and statutes relating to mobile home parks(Beyer)..... 124LR

TRANSPORTATION
Federal budget: provide the Legislature supports the removal of federal transportation trust funds from the budget(Warner, Scofield, Hartnett, Schmit)..... 27LR
Railroads: interim study to determine if legislation should be enacted to assist in keeping vital links operational (Bernard-Stevens)..... 54LR

TRAVEL AND TOURISM
Liquor: interim study to review laws prohibiting liquor consumption at tourist sites without a liquor license(Smith)..... 141LR

ULMANIS, KARLIS DR.
American Latvian Association: endorse attempts to locate and recover the remains of Dr. Ulmanis(Warner)..... 109LR

UNIFORM COMMERCIAL CODE
Amendments: interim study to solicit interest of citizens for preparation of possible amendments to the code(Landis)..... 130LR

UNIVERSITIES AND COLLEGES (See also Postsecondary Education)
Computers: interim study of the availability of computers to students in Nebraska postsecondary institutions(Moore)..... 162LR
Creighton University Men's basketball team: congratulate for winning conference championship(Lindsay, Hartnett, Ashford, Abboud)..... 38LR
Kearney State business dept. office building: designate as the Roland B. Welch Hall(Langford)..... 29LR
Nebr. College of Technical Agric. at Curtis: interim study to assess future if Kearney College becomes part of Univ. of Nebr. (R. Johnson)..... 118LR
Steroids: interim study of the abuse of anabolic steroids by Nebraska high school and college youth(Hefner)..... 123LR
University of Nebr. Medical Center Health Care Project: approve implementation(Appropriations Committee)..... 25LR
University of Nebraska at Lincoln: commend for establishing the Center for International Trade Policy(Moore, Dierks, Wehrbein, L. Johnson, Scofield, Baack, R. Johnson)..... 220LR
University of Nebraska-Lincoln: approve revenue bonds for construction of the recreation/athletic facility (Appropriations Committee)..... 223LR
University of Nebraska: establish an endowed scholarship program for Black, American Indian, and Hispanic undergraduate students (Chambers)..... 97LR
University of Nebraska: express gratitude for support of the Academic Decathlon(Pirsch, Lindsay)..... 82LR
University of Nebraska: recognize for 120th anniversary(Schimek, McFarland, Smith, Rogers, Lindsay, Chizek, Crosby, Schellpeper, Warner, Landis, Wesely)..... 31LR
Wesleyan University, Nebraska: congratulate for participation in the NCAA Men's National Basketball Tournament(R. Johnson)..... 42LR

VETERANS
State Institutional Care Review Committee: interim study of institutions operated by the State of Nebraska(Goodrich, Byars, Peterson, Lynch, Kristensen)..... 81LR
VA health care and VA Medical Centers: express concerns to the U.S. Dept. of Veterans Affairs and the Nebr. Congr. delegation (Hefner, Moore, L. Johnson, Warner, Langford, Beyer)..... 50LR

LR

Veterans' affairs: interim study of level of involvement and participation by state government in meeting needs of veterans (Conway, Baack)..... 128LR

VICTIMS OF CRIME
Victims Rights Week: designate for the week of April 9-15, 1989(Pirsch)..... 69LR

VOLUNTEERS
National Volunteer Month: designate for the month of April, 1989 (Weihing)..... 77LR

VOTERS AND VOTING (See also Elections)
Campaign financing and campaign spending in Nebraska: interim study(McFarland)..... 51LR
Initiative and referendum petitions: modify signature requirements(Baack)..... 13CA
Registration: interim study of development and utilization of standard registration forms and master list of registered voters (Morrissey)..... 175LR

WAHOO, NEBRASKA
Wahoo High School boys for Class B basketball state title: congratulate(Schmit)..... 61LR

WASTE (See also Hazardous Waste; Nuclear Waste)
Hazardous and toxic wastes: interim study(Schmit)..... 194LR
Low-level radioactive waste: interim study to review statutes relating to management and disposal(Schmit)..... 205LR
Solid waste management: interim study(Hartnett, Schmit)..... 89LR
Solid waste: interim study to develop a comprehensive plan for solid waste management(Schmit)..... 195LR

WATER (See also Natural Resources; Ground Water)
Central Nebr. Public Power & Irrigation Dist.: interim study of decisions regarding water flow control to certain counties (Bernard-Stevens)..... 208LR
Ground Water Mgmt. and Protection Act, Nebr.: interim study to evaluate procedures for establishing a special protection area (R. Johnson)..... 111LR
Interim study(Schmit)..... 193LR
Municipal water supply pollution: interim study (Urban Affairs Committee, Scofield)..... 94LR
State laboratory: interim study to evaluate ability to meet demands imposed by state and federal laws or by producers (R. Johnson)..... 119LR
Transfers: interim study to examine state laws regarding interstate and intrastate transfers of ground and surface water (Schmit)..... 198LR
Twin Loup Project: encourage Congress to appropriate sufficient funds to continue project and complete Davis Creek Dam(Rogers)... 66LR

WAYNE, NEBRASKA
Wayne High School boys for the Class B golf state title: congratulate(Conway)..... 224LR

WEAPONS
Handguns and assault weapons: interim study of need for legislation to require a waiting period for purchase(Ashford).... 145LR

WRESTLING
Elkhorn High School for Class B state wrestling title: congratulate(Beyer)..... 33LR

Scottsbluff High School boys for Class A wrestling state title: congratulate(Weihing)..... 34LR
Tekamah-Herman High School for Class C state wrestling title: congratulate(Korshoj)..... 37LR